

Shpack
10.12
265461

Shpack Landfill Superfund Site
Index to Documents Provided by EPA to Allocator



SDMS DocID

265461

SWANK

- Attachment A: Maps showing that the Swank facility was located 2.14 miles from the Site.
- Attachment B: EPA's PRP notice letter, dated June 7, 1990.
- Attachment C: Response of Albert Dumont to Question 5.n. of EPA's Request for Information Letter, dated October 29, 2003, identifying Swank on p. 11.
- Attachment D: Administrative Deposition of Albert Dumont, dated May 19, 2004, pp. 31-34, 42-43.
- Attachment E: Rule 27 Deposition of Albert Dumont, dated January 31, 2006, pp. 23, 48-51.
- Attachment F: Rule 27 Deposition of Albert Dumont, dated February 1, 2006, pp. 78-85, 112-114, 169.
- Attachment G: Rule 27 Deposition of Albert Dumont, dated February 10, 2006, pp. 20-21, 92.
- Attachment H: March 20, 2006 response of David Brask to EPA's Request for Information letter.
- Attachment I: November 30, 1990 amended response by Swank to EPA's Request for Information.
- Attachment J: December 19, 1990 letter from Swank to the Travelers Insurance Company.
- Attachment K: January 8, 1991 letter from the Travelers to Swank.
- Attachment L: January 24, 1991 letter from Swank to the Travelers.
- Attachment M: June 28, 2005 Request for Information from EPA.
- Attachment N: August 26, 2005 Response by Swank to EPA's Request for Information.
- Attachment O: EPA interview summaries of witnesses E, L, T, EE and FF.

Index to Documents Provided by EPA to Allocator
Swank

- Attachment P: December 14, 2005 letter from the Attleboro Redevelopment Authority regarding Brownfields Cleanup Grant.
- Attachment Q: Excerpt from Swank website regarding history of company.
- Attachment R: October 3, 2006 letter from EPA responding to request for *de micromis* consideration, without attachments.

See also Documents Provided by EPA to the Allocator concerning Waste Management.

Attachment A

Distances from PRP Facilities to Shpack Landfill Site

SITES	STREET	CITY, ST	DISTANCE (mi)
Balfour	25 County St	Attleboro, MA	2.82
Carol Cable	249 Roosevelt Ave	Pawtucket, RI	8.65
Goditt & Boyer	7 Maynard St	Attleboro, MA	2.17
Goditt & Boyer	205 O'Neil Blvd	Attleboro, MA	2.06
Handy & Harman	47 Frank Mossberg Dr	Attleboro, MA	4.72
Handy & Harman	Union St	Attleboro, MA	2.32
Handy & Harman	East St	Attleboro, MA	2.47
Handy & Harman	72 Elm St	North Attleboro, MA	5.46
Mantrose (Chevron)	Robert St & Olive St	Attleboro, MA	2.83
Sisalkraft (Int. Paper)	55 Starkey Ave	Attleboro, MA	2.09
Swank	6 Hazel St	Attleboro, MA	2.14
Texas Instruments	34 Forest St	Attleboro, MA	2.09
Thompson/Apex (Attleboro)	330 Oakhill Ave	Attleboro, MA	3.74
Thompson/Apex (Pawtucket)	505 Central Ave	Pawtucket, RI	7.65

MANSFIELD

N WORCESTER ST

NORTON

PLEASANT ST

SHPACK
LANDFILL
SITE

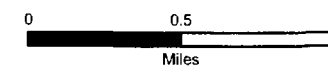
Shpack Parcel

Attleboro
Burning
Dump

PECKHAM ST

Locations of PRP Facilities Relative to Shpack Landfill Superfund Site

● PRP Facilities



L:\projects\sites\shpack\sitesZoom.mxd; December 19, 2006

N MAIN ST

WEST ST

Goditt & Boyer

Sisalkraft (Int. Paper)

Texas Instruments

Balfour

Handy & Harman

ATTLEBORO

Swank

Mantrose (Chevron)

Handy &
Harman

Goditt & Boyer

PARK ST

COUNTY ST

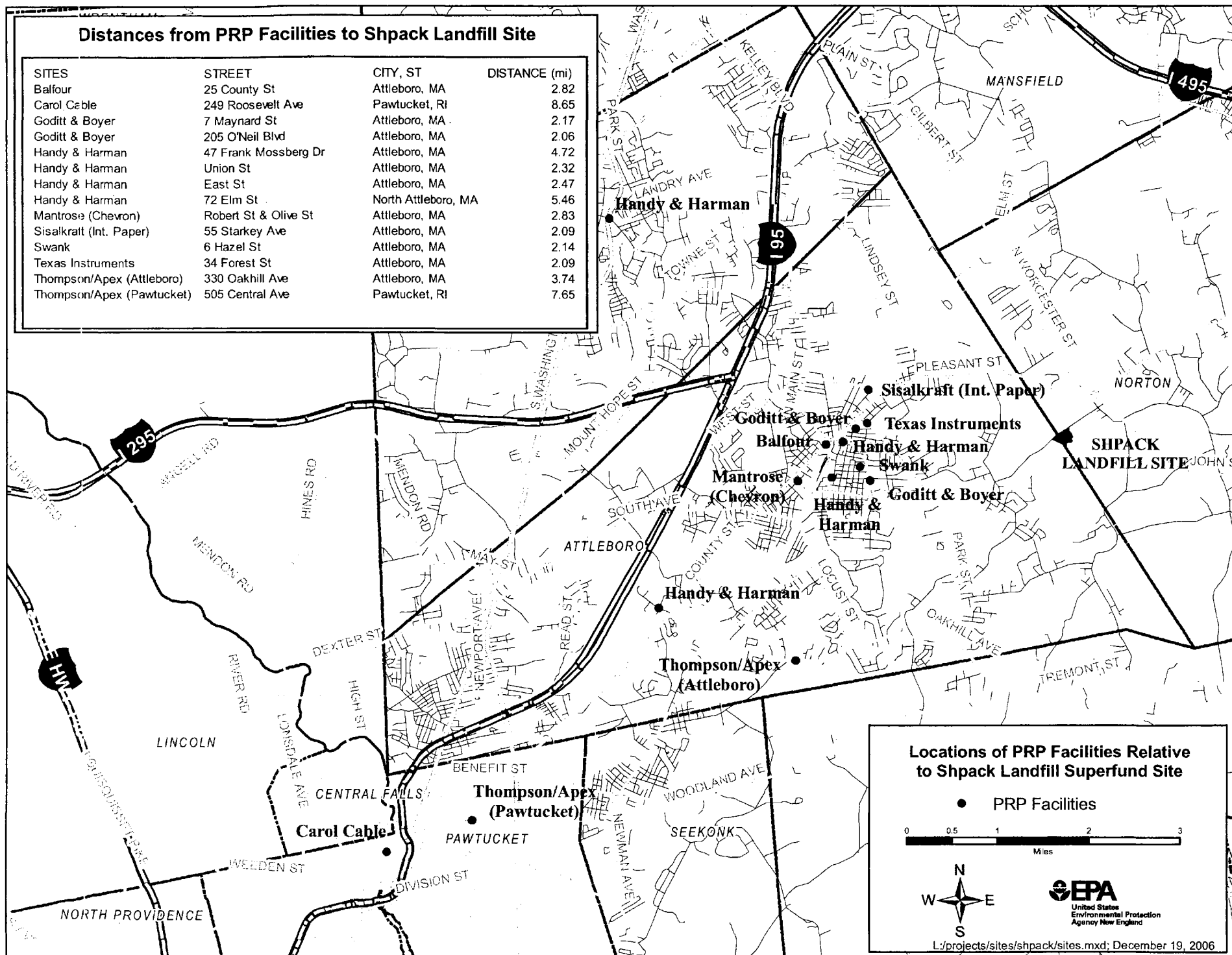
LOCUST ST

Handy & Harman

SOUTH AVE

Distances from PRP Facilities to Shpack Landfill Site

SITES	STREET	CITY, ST	DISTANCE (mi)
Balfour	25 County St	Attleboro, MA	2.82
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Locations of PRP Facilities Relative to Shpack Landfill Superfund Site

● PRP Facilities



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Attachment B



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 217201

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Shpack
11.9
SWANK

June 7, 1990

Raymond J. Hill, Sr. Vice President
Swank, Inc.
6 Hazel Street
P.O. Box 839
Attleboro, MA 02703

Re: Notice of Potential Liability and Special Notice pursuant to
Section 122(e) of CERCLA, 42 U.S.C. Section 9622(e), or
Remedial Investigation/Feasibility Study for the Shpack
Landfill Superfund Site in Norton and Attleboro, MA

Dear Mr. Hill:

This letter notifies you of the potential liability which Swank, Inc. has or may have incurred with respect to the Shpack Superfund Site in Norton and Attleboro, Massachusetts (the "Site"), and makes a formal demand for reimbursement of the costs (including interest) that the United States Environmental Protection Agency ("EPA") has incurred in responding to the environmental problems at the Site. This letter also provides notice of a period of negotiations with EPA regarding an agreement in which Swank, Inc. and others voluntarily participate in performing or financing the remaining response actions necessary at the Site. To assist you in participating in these negotiations, this letter also provides information about other potentially responsible parties ("PRPs") at the Site.

The Site is located at 68 Union Road on the Norton and Attleboro town line. The Site is bordered on the north by Union Road and Peckham Street, on the west by the Town of Attleboro Landfill, on the east by Chartley Swamp and the McGinn residence, and on the south by Chartley Swamp. EPA has listed the Site on the Superfund National Priorities List on June 10, 1986, 52 Federal Register 21054.



NOTICE OF POTENTIAL LIABILITY AND
REQUEST FOR PARTICIPATION IN CLEANUP ACTIVITIES

The U.S. Congress authorized EPA to respond to the release or threatened release of hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. Section 9601 et seq., and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Section 6973. EPA has documented the release or threatened release of hazardous substances, pollutants or contaminants at the Site. EPA has spent public funds and is considering spending additional public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a PRP or PRPs will properly perform or finance such actions, EPA will itself perform these actions pursuant to Section 104 of CERCLA, 42 U.S.C. Section 9604.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. Section 9606(a) and Section 9607(a), Section 7003 of RCRA, and other laws, responsible parties may be obligated to implement relief actions deemed necessary by EPA to protect the public health, welfare or environment. Responsible parties may be liable under these same laws for all costs (including interest) incurred by the government in responding to any release or threatened release at the Site. Such costs may include, but are not limited to, expenditures for investigation, planning, cleanup response, and enforcement activities. In addition, responsible parties may be requested to pay damages for injury to, destruction of, or loss of natural resources, including the costs to assess such damages.

Responsible parties under CERCLA include current and former owners and operators of the Site, as well as persons who arranged for disposal of hazardous substances found at the Site (often called "generators"), or persons who accepted hazardous substances for transport to the Site (often called "transporters").

EPA has evaluated a large body of evidence in connection with its investigation of the Site, including interviews with site-related persons, business records, and federal, state and municipal records. Based on this evidence, EPA has information indicating that you are a potentially responsible party ("PRP") under Section 107(a) of CERCLA with respect to the Site. Specifically, EPA has reason to believe that Swank, Inc. arranged by contract, agreement or otherwise for disposal or treatment, or arranged with a transporter for transport for disposal or treatment of hazardous substances found at the Site.

By this letter, EPA notifies Swank, Inc. of its potential liability with regard to the Site. EPA therefore encourages you, as a potentially responsible party, to reimburse EPA for the costs incurred to date and to voluntarily perform or finance the

response activities described below that EPA has determined are required at the Site.

DEMAND FOR PAYMENT OF COSTS INCURRED TO DATE

In accordance with CERCLA and other authorities, EPA has already undertaken certain actions and incurred costs in response to conditions at the Site amounting to at least \$272,468.67, including interest, as of May 2, 1990. These response actions include a site response assessment, responsible party search and a chemical contamination assessment. EPA anticipates expending additional funds for response activities at the Site under the authority of CERCLA and other laws, including those response activities described below. In accordance with Section 107(a) of CERCLA, EPA hereby demands payment of \$272,468.67, plus any and all additional interest authorized to be recovered under that Section or under any other provisions of law. Demand is also hereby made under these authorities for payment of interest on all future costs that EPA may accrue in regard to the Site.

FUTURE RESPONSE ACTIONS

EPA is planning to conduct the following studies and activities in response to conditions at the Site:

1. Remedial Investigations ("RI") to identify the local characteristics of the Site and to define the nature and extent of soil, air, surface water, and ground water contamination at the Site; and
2. Feasibility Studies ("FS") to evaluate the feasibility of possible remedial actions to destroy, remove or contain hazardous substances, pollutants or contaminants at the Site.

In addition to these activities, EPA may, pursuant to its authorities under CERCLA and other laws, decide that other cleanup activities are necessary at the Site to protect public health, welfare, or the environment.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

EPA has determined that use of the CERCLA Section 122(e) Special Notice procedures will facilitate a settlement between EPA and PRPs for this Site. Therefore, under Section 122 of CERCLA, this letter triggers a 60-day moratorium on certain EPA response activities at the Site. During this 60-day period, you and other PRPs are invited to participate in formal negotiations with EPA. You are also encouraged to voluntarily negotiate a settlement providing for the PRPs (including you) to conduct or finance the

response activities required at the Site. The 60-day negotiation period ends on August 8, 1990. This 60-day negotiation moratorium will be extended for an additional 30 days if the PRPs provide EPA with a good faith offer to conduct or finance the Remedial Investigation/Feasibility Study ("RI/FS"). Should a 90-day negotiation moratorium take place, negotiations will conclude on September 10, 1990. If settlement is reached between EPA and the PRPs within the 90-day negotiation moratorium, the settlement will be embodied in a Consent Order.

PRP STEERING COMMITTEE

EPA recommends that all PRPs meet to form a PRP steering committee responsible for representing the interests of the PRPs. Establishing a manageable group is a critical component of the negotiation process.

To facilitate negotiations, EPA proposes a PRP meeting on June 29, 1990 at EPA's office at 90 Canal Street, 1st floor conference room, in Boston. From 1:00 to 1:30 p.m., EPA will describe the existing knowledge about conditions at the Site and the response activities that have been taken at the Site to date. From 1:30 to 2:00 p.m., EPA will respond to questions posed by the PRPs. The time from 2:00 to 5:00 p.m. is available for PRPs to meet among themselves, without EPA being present. Because of the large number of PRPs, EPA will not negotiate with individual persons or companies, but will ask the PRPs at the meeting to appoint a committee to represent them in further negotiations.

NEGOTIATION PROCEDURES AND GOOD FAITH OFFER

Under the terms of Section 122(e) of CERCLA, 42 U.S.C. Section 9622, potentially responsible parties have sixty (60) days from receipt of this notice in which to make a good faith proposal, in writing, to perform or finance the response activities. If a good faith proposal is submitted by responsible parties within the sixty (60) day period, EPA will negotiate with the parties making the proposal during the remainder of the negotiation moratorium period in an attempt to reach an agreement with those parties. Any agreement reached for the performance of financing of the response actions at the Site will be embodied in an Administrative Order for Remedial Investigation/Feasibility Study and a Cost Recovery Administrative Agreement containing terms consistent with the provisions of Section 122 of CERCLA. A Statement of Work (Attachment A), a draft Administrative Order (Attachment B), and a draft Administrative Agreement (Attachment C) are enclosed with this letter.

A good faith offer to conduct or finance the RI/FS is a written proposal that demonstrates the PRPs' qualifications and

willingness to conduct or finance the RI/FS and includes the following elements:

1. A statement of willingness by the PRPs to conduct or finance the RI/FS that is consistent with EPA's Statement of Work, draft Administrative Order, and draft Administrative Agreement and that provides a sufficient basis for further negotiations.
2. A paragraph-by-paragraph response to EPA's Statement of Work, draft Administrative Order, and draft Administrative Agreement.
3. A demonstration of the PRPs' technical capability to carry out the RI/FS, including the identification of the firms(s) that may actually conduct the work under a contract with the PRPs or a description of the process they will use to select any contracted firm(s).
4. A demonstration of the PRPs' capability to finance the RI/FS.
5. A statement of willingness by the PRPs to reimburse EPA for past response costs and costs incurred in overseeing the PRPs' conduct of the RI/FS. EPA considers the response to this element to be critical in evaluating offers from PRPs.
6. The name, address, and telephone number of the party or steering committee who will represent the PRPs in negotiations.

If EPA determines that a good faith proposal has not been submitted within the first sixty (60) days of the moratorium period, EPA may thereafter terminate the negotiation moratorium period pursuant to Section 122(e)(4) of CERCLA and commence such cleanup or enforcement actions as may be appropriate given the status of negotiations.

INFORMATION RELEASE

EPA would like to encourage good faith negotiations between you and EPA and among you and other potentially responsible parties for the Site. To assist potentially responsible parties in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing the following information:

1. A list of the names and addresses of potentially responsible parties to whom this notification is being sent. This list represents EPA's preliminary findings on the identities of potentially responsible parties. Inclusion on or exclusion from the list does not constitute a final determination by

EPA concerning the liability of any party for the hazard or contamination at the Site. (Attachment D)

2. A list of the nature of substances contributed by each potentially responsible party identified at the Site. Under the terms of Section 122(e)(3)(C) of CERCLA, this list shall not constitute an apportionment or other statement by EPA on the divisibility of harm or causation in connection with the Site, nor shall the list be admissible as evidence in any proceeding. (Attachment D)

Please be advised that EPA has determined that these lists are investigatory records compiled for law enforcement purposes. The public release of the records described in item 2 above may interfere with enforcement proceedings and disclose investigatory techniques and procedures. As such, these records are exempt from mandatory disclosure under the investigatory records exemption of the Freedom of Information Act, 5 U.S.C. Section 552(b)(7). Nevertheless, a limited disclosure of these records is being made in order to further the settlement negotiations and to encourage communication among the parties. These records are being provided as a discretionary release of information to the potentially responsible parties, and they should not be disclosed further or made publicly available in any context unless you are given prior approval by EPA.

ADMINISTRATIVE RECORD

In accordance with Section 113(k) of CERCLA, EPA will establish an Administrative Record containing the documents used by EPA to select the appropriate response action for the Site. This Administrative Record will be available to the public for inspection and comment. One location for this Administrative Record will be the EPA Records Center on 90 Canal Street in Boston, Massachusetts. The second location will be either in the town of Attleboro or Norton, Massachusetts.

PRP RESPONSE AND EPA CONTACT PERSON

You have sixty (60) calendar days from receipt of this notice to notify EPA in writing of your willingness to negotiate the performance or financing of the RI/FS. You may respond individually or through a steering committee if such a committee has been formed. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the response, and that you have declined any involvement in performing the response activities. Be advised however, that liability under CERCLA is joint and several; therefore, each PRP is potentially liable for

undertaking all response actions and reimbursing the Government for the entire amount of its response costs.

Your response to this Notice Letter should be sent to:

U.S. Environmental Protection Agency
Paula Fitzsimmons
Waste Management Division
Massachusetts Superfund Section (HRS-CAN3)
J.F.K. Federal Building
Boston, MA 02203
Telephone: (617) 573-5738

If you have any technical questions about the Site or the Statement of Work, please contact Paula Fitzsimmons as noted above. If you have legal questions or questions about the Administrative Order or Administrative Agreement, please contact Andrew Raubvogel at the U.S. Environmental Protection Agency, Office of Regional Counsel, J.F.K. Federal Building (RCR-2207), Boston, MA 02203, (617) 565-3169.

PURPOSE AND USE OF THIS NOTICE LETTER

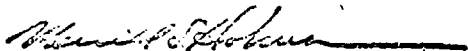
The factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final position of EPA on any matter set forth herein.

Due to the serious environmental and legal problems posed by conditions at the Site, EPA strongly urges you to give this matter your immediate attention so that you may promptly respond to this special notice letter.

By copy of this letter EPA is notifying the Federal Natural Resource Trustee(s) of its intent to perform or enter into negotiations for the performance or financing of response actions at the Site.

Thank you for your cooperation.

Sincerely,



Merrill S. Hohman, Director
Waste Management Division

Enclosures

cc: Julie Belaga, EPA Regional Administrator
Bruce Diamond, Director, EPA Office of Waste Programs
Enforcement
James Strook, Assistant Administrator, EPA Office of
Enforcement
Andrew Raubvogel, EPA Office of Regional Counsel
Bruce Marshall, Chief, EPA Superfund Enforcement Support
Section
Paula Fitzsimmons, EPA Remedial Project Manager
Gregory Vasil, Office of Massachusetts Attorney General
Teresa Rec, Massachusetts Remedial Project Manager
Ken Finkelstein, NOAA

11229

Site #	11229
From	
Other	

ATTACHMENT D

LIST OF POTENTIALLY RESPONSIBLE PARTIES
SHPACK LANDFILL
JUNE 1990

Name and Address

Apco Mossberg Inc. 100 Lamb Street Attleboro, MA 02703	waste oil, degreasing solvents, iron and cyanide
Attleboro Landfill, Inc. 179 Peckham Street Attleboro, MA 02703	present owner
Town of Attleboro City Hall, 77 Park Street Attleboro, MA 02703	former lessee
Mr. Albert Dumont 1 Rathbun Willard Drive Attleboro, MA 02703	former owner/operator
Automatic Machine Products Inc. 17 Wall Street Attleboro, MA 02703	waste oil
Goditt & Boyer 205 O'Neill Boulevard Attleboro, MA 02703	transporter
Handy & Harman, Inc. 850 Third Avenue New York, NY 10022	heavy metals, precious metal refining wastes
Lambert Engraving Company 94 Country Street Attleboro, MA 02703	degreasing solvents
Kewanee Industries, Inc. c/o Chevron USA, Inc. 575 Market Street San Francisco, CA 94105	resins, organics
Town of Norton Board of Selectmen 70 East Main Street Norton, MA 02712	present owner
Swank, Inc. 6 Hazel Street P.O. Box 839 Attleboro, MA 02703	degreasing solvents

Texas Instruments
34 Forest Street
Attleboro, MA 02703

depleted uranium wastes

Teknor Apex Company, Inc.
505 Central Avenue
Pawtucket, RI 02861

solvents
vinyl chloride

CONOCO, Inc. (Continental Oil Co.)
P.O. Box 2197
Houston, TX 77252

solvents
vinyl chloride

Chevron USA, Inc.
575 Market Street
San Francisco CA 06904

resins, organics

Attachment C

**Response of Albert Dumont
To Request for Information Pursuant to Section 104(e) of CERCLA
For the Shpack Superfund Site**

Response to Request No. 5.n.

Operations

Individuals and entities that brought wastes to the Site:

A.A. Aquarium, 62 Forest Street, Attleboro, MA

ABC Bus Lines, 41 North Avenue, Attleboro, MA

A&R Contracts, Inc., 80 Falmouth Street, Attleboro, MA

A&W Root Beer, 289 County Street, Attleboro, MA

Ainge Wallpaper Co., 9 Park Street, Attleboro, MA

Al Jacob's Texaco, 310 So. Main Street, Attleboro, MA

Alaska Plating Co., Inc., 320 So. Main Street, Norton, MA

Bert's Cleaners, 35 So. Main Street, Attleboro, MA

Alix & Gus Radiators & Welding, 65 Falmouth Street, Attleboro, MA

Allan Industries, 45 Union Street, Attleboro, MA

American Insulated Wire, 36 Freeman Street, Pawtucket, RI

American Red Ball Movers, 522 Pleasant Street, Attleboro, MA

American Sisalkraft, Starkey Avenue, Attleboro, MA

Anadite, Inc., 43 Forest Street, Attleboro, MA

Anderson Motors, 80 Pleasant Street, Attleboro, MA

Andrew Cleveland Products, 48 Union Street, Attleboro, MA

Andy's Bay State Auto, 670 Washington Street, South Attleboro, MA

Anson Motors, 468 Pleasant Street, Attleboro, MA

Antaya Bros. Jewelers, 53 Falmouth Street, Attleboro, MA

Apco Morsberg, Inc., 100 Land Street, Attleboro, MA

Apex Tire & Rubber, Central Avenue, Pawtucket, RI

Archway Hotel, 44 Park Street, Attleboro, MA

Armond's Sunoco Service, 60 County Street, Attleboro, MA

Arnold & Johnson Attleboro Dodge, 42B County Street, Attleboro, MA

Artcraft Co., Inc., 54 Pleasant Street, Attleboro, MA

Artline Inc. Printing, 18 Mill Street, Attleboro, MA

Ashlye Mfg. & Co., 73 Halman Street, Attleboro, MA

Astin Engraving Shop, 61 Union Street, Attleboro, MA

Attleboro Bowladrome, 182 East Street, Attleboro, MA

City of Attleboro, 77 Park Street, Attleboro, MA

Attleboro Electric Co. Mass. Electric, West Street, Attleboro, MA

Attleboro Electro Plating Co., Inc., 94 County Street, Attleboro, MA

Attleboro Floor Covering Co., 39 School Street, Attleboro, MA

Attleboro Housing Authority, 37 Carlon Street, Attleboro, MA

Attleboro Ice & Oil Co., 75 Pleasant Street, Attleboro, MA

Attleboro Industries, Inc., 67 Mechanic Street, Attleboro, MA

Attleboro Motor Sales, 480 Pleasant Street, Attleboro, MA

Attleboro Plainville Coal Co., Inc., 38 Forest Street, Attleboro, MA

Attleboro Print, 45 Rail Road Avenue, Attleboro, MA

Attleboro Print & Embossing Co., 54 Union Street, Attleboro, MA

Attleboro Refining Co., Inc., 42 Union Street, Attleboro, MA

Attleboro Roofing Construction, John Williams Street, Attleboro, MA

Attleboro Screen & Process Printing, 94 County Street, Attleboro, MA

Attleboro State Armory, Pine Street, Attleboro, MA

Attleboro Sun, 34 So. Main Street, Attleboro, MA

Attleboro Tire & Appliance, 71 County Street, Attleboro, MA

Attleboro Tool & Development, 19 Solom Street, Attleboro, MA

Attleboro Watchcase Finding Co., 22 Prescott Street, Attleboro, MA

Attleboro Welding Co., John Williams Street, Attleboro, MA

Attleboro Wood Works, 1476 West Street, Attleboro, MA

August, Inc., Perry Avenue, Attleboro, MA

Automatic Machine Product Co., 17 Wall Street, Attleboro, MA

Balfow Co., 30 Frank Massberg Drive, Attleboro, MA

Balfour Co. L.G., 25 County Street, Attleboro, MA

Bassey Electric, 34 Halman Street, Attleboro, MA

Bassler K.F. Co., Inc., 45 John William Street, Attleboro, MA

Bates & Klinke, Inc., 49 So. Main Street, Attleboro, MA

Baumgartel Oil, 221 Locust Street, Attleboro, MA

Bellervard Inc. Jewelers, 200 East Street, Attleboro, MA

Benzenoid Organics, Inc., 67 Mechanics Street, Attleboro, MA

Bergeron Engraving, 406 Old Colony Road, Chartley, MA

Bergevine Bros. Jewelry, 100 Tiffany Street, Attleboro, MA

Bergevine Service Station, 19 Pleasant Street, Attleboro, MA

Bev. Mfg. Co. Findings, 48 Union Street, Attleboro, MA

Bishop Feehan High School, Holcott Drive, Attleboro, MA

Blais, Armond Sunoco Station, 60 County Street, Attleboro, MA

Bliss Dairy, 711 Park Street, Attleboro, MA

Bobby's Restaurant, 9 Park Street, Attleboro, MA

Bottomley & King Dies, 46 Union Street, Attleboro, MA

Bottomley Garage, 43 North Worcester Street, Chartley, MA

Bower Brothers Electric Co., 83 Dunham Street, Attleboro, MA

Bradley Robt. Co., 66 South Worcester Street, Chartley, MA

Brockton Taunton Gas Co., 11 North Main Street, Attleboro, MA

Brown L.P. Machine & Tool Co., 104 County Street, Attleboro, MA

Brownell Components, Inc., 46 Union Street, Attleboro, MA

Brownell Mill & Supply, Inc., 7 Parker Street, Attleboro, MA

Brownie's Rambler, 420 Old Colony Road, Chartley, MA

Bruce Diamond Corp., County Street, Attleboro, MA

Bruce Mfg. Co., Inc., 20 John Williams Street, Attleboro, MA

Bubble Bath Car Wash, John William Street, Attleboro, MA

Buster Crafford, Inc., 64 Pleasant Street, Attleboro, MA

Buxton Box, Inc., 43 So. Main Street, Attleboro, MA

Cameron Electroplating Div. Lambert Engraving, Inc., 94 County Street, Attleboro, MA

Campbell Auto Service, 57 So. Main Street, Attleboro, MA

Campanella & Cardi, 400 Limola Avenue, Warwick, RI

Cardi Construction, 400 Limola Avenue, Warwick, RI

Capson, H.L. & Sons, 55 So. Main Street, Attleboro, MA

Casey Bros., 50 Maynard Street, Attleboro, MA

Carlson Tool Co., 34 Wall Street, Attleboro, MA

Carol Cable, 249 Roosevelt Avenue, Pawtucket, RI

Carvalho's Garage, 88 Attawa Street, Attleboro, MA

Car Wash, 227 Brook Street, Attleboro, MA

Central Floor Surfacing, 20 Sixth Street, Attleboro, MA

-Chartley Enameling Co., West Main Street, Chartley, MA

Chicken & Chip, 165 Pine Street, Attleboro, MA

Conoco, Inc. Continental Oil Co., P.O. Box 2197, Houston, Texas

Cooper Metal, 46 South Worcester Street, Chartley, MA

Cote & Covaglia Co., 44 Union Street, Attleboro, MA

Cottage Bakery, 220 So. Main Street, Attleboro, MA

County Square Gas Station, Attleboro, MA

Crest Chemical Co., 283 Turner Street, South Attleboro, MA

Crook, Robert F., 8 Falmouth Street, Attleboro, MA

Croteau Motor Sales, 166 Central Avenue, South Attleboro, MA

Cumberland Engineering, South Attleboro, MA

D&T Oil Service, 229 So. Main Street, Attleboro, MA

Deary Bros. Milk, Pleasant Street, Attleboro, MA

Defiance Bleaching, Barrowsville, MA

Delutic Atlantic Service, 300 County Street, Attleboro, MA

D.E. Makepeace, Dunham Street, Attleboro, MA

Div. of Engelhard Plainville Industries (dumped cyanide degreasing solvent even after 1966 & 67. They only dumped on Shpack Site).

Dexter E.O. Co., Inc., 38 Forest Street, Attleboro, MA

Dodgeville Finishing Co. Bleaching, 450 So. Main Street, Attleboro, MA

Duane Construction Boston Universalist Church, 1957 So. Main Street, Attleboro, MA
(lead windows)

Dwyer Heating, 52 Eddy Street, Attleboro, MA

Eastern Case Parts, Inc., 34 Perry Avenue, Attleboro, MA

Eastern Supply Co., 40 North Main Street, Attleboro, MA

Eden C.H. Co., 51 So. Main Street, Attleboro, MA

Elco, 70 Emery Street, Attleboro, MA

Electric Shop, 19 Union Street, Attleboro, MA

Electronics Metals & Alloys, Inc., 84 Dunham Street, Attleboro, MA

Emory Street Auto Service, 97 Emory Street, Attleboro, MA

Enterprise Press Russell Spooner, 1081 Oak Hill Avenue, Attleboro, MA

Felix Garage, Washington Street, Attleboro, MA

Foster Metal Products, Inc., 37 Union Street, Attleboro, MA

Finberg Mfg. Co., Inc., 140 Park Street, Attleboro, MA

Firestone Stores Div. of Firestone, 35 County Street, Attleboro, MA

Fisher J.M. Co., East Street, Attleboro, MA

Fitzgerald Motors, Inc., 68 Washington Street, Attleboro, MA

Flynn's Hardware Co., Inc., 13 Bank Street, Attleboro, MA

Fuller, John A. Const., 18 Perin Street, Attleboro, MA

Gabrey & McKay Service Station, New Port Avenue, South Attleboro, MA

M. Gammino or Gamino, Inc. 34 Stoneland Avenue, Providence, RI, 2 Rhode Island Avenue, Providence, RI (Trucked in Thompson Chemical when it blew up).

Gazzola's Filling Station, 308 Thatcher Street, Attleboro, MA

G.B.A. Engraving Co., 22 George Street, Attleboro, MA

General Findings, Inc., Pearl Street, Attleboro, MA

H&B Warehouse Corp., Roosevelt Avenue, South Attleboro, MA

H&R Auto Repair, 1076 Pleasant Street, Attleboro, MA

Handy & Harman, Frank Mossberg Drive, P.O. Box 150, Attleboro, MA (formerly Attleboro Refinery – heavy metals plus potent liquid waste)

Hardas-Alcoa & Morton Process, 43 Forest Street, Attleboro, MA

Haywood Walter F. Co., 20 Capron Street, Attleboro, MA

Hebron Mill, 169 Knight Avenue, Hebronville, Attleboro, MA

Hilray Metal Products Co., 104 County Street, Attleboro, MA

Holander & Son, 40 Walton Street, Attleboro, MA

A. Holt & Co., 84 Dunham Street, Attleboro, MA

Horton Angell Co., 129 Bank Street, Attleboro, MA

Hoyle, Larry Station, Crnr. of Starkey Ave. and Pleasant Street, Attleboro, MA

Hoyle's Service Station, 112 Pleasant Street, Attleboro, MA

Industrial Components Mfg. Co., 88 County Street, Attleboro, MA

J&H Tool & Findings, 61 Union Street, Attleboro, MA

Jack's Service Center, 300 County Street, Attleboro, MA

Jack & Harry's, 27 North Main Street, Attleboro, MA

Jerry's Auto Body, Olive Street, Attleboro, MA

H&E Jewett Jewelry Findings, 15 Horton Street, Attleboro, MA

Johnson Decorating Co., 76 Union Street, Attleboro, MA
Kilmartin Tool Co., Inc., 79 Walton Street, Attleboro, MA
Joe King Gas Station, No. Main Street, Attleboro, MA
Krew, Inc., 101 Dunham Street, Attleboro, MA
Lambert Engraving, 94 County Street, Attleboro, MA
Larson Tool, Olive Street, Attleboro, MA
Leach & Garner Co., 49 Pearl Street, Attleboro, MA
Leavens, Summer Street, Attleboro, MA
Lee's Foreign Cars, 1105 Oakhill Avenue, Attleboro, MA
Lepper, John E., Inc., 105 Maple Street, Attleboro, MA
Linberg Tool & Stamping, 10 Maynard Street, Attleboro, MA
Lloyd Gay Co., 21 Union Street, Chartley, MA
Marathon Co., Walton Street, Attleboro, MA
Metal Specialty Co., 191 No. Main Street, Attleboro, MA
Metal Bond Products Co., 98 County Street, Attleboro, MA
Montrose ?; Robert & Olive Street, Attleboro, MA
Mossberg Pressed Steel Corp., 81 Washington Street, Attleboro, MA
Mount Vernon Silver, 64 Water Street, Attleboro, MA
Morin's Diner, Inc., 16 So. Main Street, Attleboro, MA
Morse Andrews Co., 45 Union Street, Attleboro, MA
Mucker's Delivery Service, 22 Clifton Street, Attleboro, MA
Drain Murphy's Auto Parts, 173 W. Main Street, Norton, MA
Naps Plating, 41 Railroad Avenue, Attleboro, MA

Nelson, Arthur H. & Sons, 11 Dunham Street, Attleboro, MA

New England Tel & Tel Co., 21 North Main Street, Attleboro, MA

New Haven Railroad, Mill Street, Attleboro, MA

Nike Site, Rehoboth, MA

NY New Haven & Hartford Rail Road (signal batteries)

Old Colony Press, 398 Old Colony Road, Chartley, MA

P&D Buffing Co., 140 Park Street, Attleboro, MA

Paquin's Garage, 60 Holden Street, Attleboro, MA

Paragon Contractors Corp., 60 Eddy Street, Attleboro, MA

Pasco Auto Parts Co., 40 Emery Street, Attleboro, MA

Pedro Service Station, 21 So. Avenue, Attleboro, MA

Pelletier's Automotive, Inc., 193 Pine Street, Attleboro, MA

Jos. F. Perry Welding Shop, 3 North Avenue, Attleboro, MA

Perry Machine Co., 200 Brook Street, Attleboro, MA

Pine Warehouse, c/o Technor Apex, Attleboro and Seekonk, MA

Wilfred Plante, 112 Oak Street, Norton, MA (Trucked Apco)

Plastic Craft or Novelty Co., Inc., 12 Dunham Street, Attleboro, MA
(Massberg Cyanide)

Plastic Development, Mechanic Street

Plastimond Corp., 61 Union Street, Attleboro, MA

Precious Metals, Inc., 65 Newcomb Street, Attleboro, MA

Precision Tool & Machinery Co., 441 South Main Street, Attleboro, MA

Progressive Machinery Corp., 34 Perry Avenue, Attleboro, MA

Protective Controls, Inc., 320 W. Main Street, Attleboro, MA

Puratan Aerosol, Cumberland Road

Pylon Co., 200 No. Main Street, Attleboro, MA

R&M Body Shop, 217 Brook Street, Attleboro, MA

Ray's Automotive, Brook Street

Ray's Garage, 1227 So. Main Street, Attleboro, MA

Ray's Service Station, 947 Newport Avenue, So. Attleboro, MA

Ray Service Station, 1227 East Street, Attleboro, MA

Reardon & Lynch, 123 East Street, Attleboro, MA

Reeve's Co., 225 Brook Street

Reliable Coated Products Co., 104 County Street, Attleboro, MA

Reynolds & Marksman, Inc., Olive Street, Attleboro, MA

Richards Auto Clinic, 50 County Street, Attleboro, MA

Richards Co., 191 North Main Street, Attleboro, MA

W.H. Riley & Sons, Inc., 1 North Main Street, Attleboro, MA

Ripley's & Gavin Co., Inc., 67 Mechanic Street, Attleboro, MA

River Bank Service Center, 25 County Street, Attleboro, MA

RLP Co., 48 Union Street, Attleboro, MA

Robbins Company, Inc., O'Neill Blvd., Attleboro, MA

Rolled Metal Products, Inc., Eddy Street, Attleboro, MA

Rotenberg Cleaners & Tailors, 78 Park Street, Attleboro, MA

Saddler Bros. Optical Tool, 561 Newport Ave., So. Attleboro, MA

Town of Seekonk (municipal solid waste)

Theffield Tool Corp., 21 Park Street, Attleboro, MA

Shell Station, Cmr. of Wall & County Streets, Attleboro, MA

Shell Station, Cmr. of Route 1 and Highland Ave., Attleboro, MA

Shields-Dante (Genonesco), Maynard Street, Attleboro, MA

Shields, Inc., 50 Maynard Street, Attleboro, MA

Ralph Shuster Metals, Inc., 40 Forest Street, Attleboro, MA

R.F. Simmons Co., North Main Street, Attleboro, MA

Speedy Car Wash, Brook Street, Attleboro, MA

Standard Plastics Co., 62 Water Street, Attleboro, MA

St. Regis Paper, Starkey Ave., Attleboro, MA

Sturdy Memorial Hospital, 211 Park Street, Attleboro, MA

Swank, Inc., 6 Hazel Street, Attleboro, MA

Teknor Apex, 505 Central Avenue, Pawtucket, RI

Sweet Industrial Div. of EMA, 84 Dunham Street, Attleboro, MA

Texaco Station, 310 So. Main Street, Attleboro, MA

Texas Instrument, 34 Forest Street, Attleboro, MA (formerly Metals & Control, Inc.)

Thorpe Automotive, 6 Falmouth Street, Attleboro, MA

Richard Turner, 87 Emory Street, Attleboro, MA

Richard's Auto Clinic, 87 Emory Street, Attleboro, MA

Union Arinature, 15 John Williams Street, Attleboro, MA

United Auto Body, 16 Eddy Street, Attleboro, MA

United Findings, 118 Wilmarth Street, Attleboro, MA

U.S. Army Reserve Training Center, 50 John Williams Street, Attleboro, MA

Ralph Vickery Construction, Park Street & Rehoboth Town Line

Well's, Inc., Walton Street, Attleboro, MA

Well's Jewelry, Cmr. of Riversbank & County Street, Attleboro, MA

J.H. West Tool Service, Inc., 53 Falmouth Street, Attleboro, MA

Wolfenden Montrose, Cmr. Olive & Wolfendon Street, Attleboro, MA

Zarum Metals, Forest Street

Attachment D

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
REGION I

In the Matter of:)
)
SHPACK LANDFILL SUPERFUND SITE)

South East Regional Office of DEP
20 Riverside Drive
Lakeville, Massachusetts

Wednesday
May 19, 2004

The above entitled matter came on for hearing,
pursuant to Notice at 10:05 a.m.

APPEARANCES:

On Behalf of the Environmental Protection Agency:

ANDREA A. TREECE, Enforcement Counsel
RUTHANN SHERMAN, Senior Enforcement Counsel
JAMES E. ISRAEL, Senior Investigator
DAVID O. LEDERER, Remedial Project Manager
Region 1, New England
U.S. Environmental Protection Agency
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Boston, MA 02114
(617) 918-1886

ORIGINAL

APEX Reporting
(617) 426-3077

MS. O'BRIEN: '51. 1946 to 1951 where on that photo, where was the dumping occurring? You've already identified one area. I think the question was is that the only area where any dumping was taking place between '46 and '51. Is that correct?

MS. TREECE: Yes.

MS. O'BRIEN: That's what she's asking.

THE WITNESS: All right. Well, right in that vicinity, yes (indicating).

BY MS. TREECE:

Q So, that was the only area?

A (No verbal response.)

Q And do you -- as best you can recall, who was bringing materials to the site during that time frame of 1946 to 1951?

A Well, everybody in Attleboro and Norton and Rehoboth. There's no boundaries in any dump in those days. Closest dump is where you dumped. You know, you're talking probably eight miles to the Norton Dump, so the people living up the street -- I was always told by the mayor, you allow anybody to dump because they're all neighbors.

Q Do you recall any specific companies that came during that time and brought loads or brought waste there?

A Yeah, I know all the companies. You have a list of all of them there. You had the ones originally that sat

1 down at TI in 197 -- let's see, what was the first meeting?
2 Seventy. Well, trouble started in '73, right? So that
3 there was -- I think the first meeting at TI was '76, that
4 sound right? '77?

5 MS. O'BRIEN: I'm not sure, Al. Before my time.

6 THE WITNESS: You weren't born then?

7 MS. O'BRIEN: I was born but before my time
8 involved in this matter.

9 THE WITNESS: Well, all the, they said VIP's, were
10 invited. I think you had Balfour, you had Handy & Harman
11 you had Swanks, you had Goditt & Boyer, you had L.W.
12 Fontaine, all these people that are out of business today.
13 Myself. I think there was something like seven of us there.

14 BY MS. TREECE:

15 Q And were all of those companies dumping at the
16 burning dump during '46 to '51, to the best of your
17 knowledge?

18 A They were dumping in the Attleboro dump till '51,
19 and then half of the customers went to Shpack and the other
20 half stayed at the Attleboro dump until 1965.

21 Q To the best of your recollection, who were some of
22 the companies, who comes to mind of the companies that went
23 over to the Shpack Landfill?

24 A You had Gamache Trucking, you had L.W. Fontaine,
25 you had Swanks, you had Automatic Machine, you had D.E.

1 Makepeace, which became Engelhard Industries. Did I say TI?
2 Metals and Control, Nuclear Division? Metals and Control,
3 Spencer Thermostat, Nuclear Division. He took all the ones
4 that had good salvage.

5 Q Okay.

6 A You call it recycling. In my day it was salvage.

7 MR. LEDERER: The thermostat company, what was the
8 name of that?

9 THE WITNESS: They were called TI. Eventually TI
10 bought Spencer Thermostat.

11 MR. LEDERER: I don't think that's -- I'm not sure
12 if we've even heard that name.

13 THE WITNESS: Yeah, that was the first company --
14 Spencer Thermostat.

15 MR. LEDERER: Okay. And they were located where?

16 THE WITNESS: Well, the TI property.

17 MR. LEDERER: Okay.

18 THE WITNESS: Eventually Metals and Control kept
19 on expanding and it ended up TI bought them out. Metals and
20 Control/Spencer Thermostat, was one company, and TI bought
21 them out. I believe that's all the customers, yeah.

22 BY MS. TREECE:

23 Q And do you recall what those companies, what sort
24 of materials they brought to either the Shpack Landfill or
25 the Attleboro burning dump?

1 A Well, the ones that I'm mentioning, they dumped
2 until 1950 or '51 and they all went over to the Shpack dump.
3 Then I had what was left.

4 Q Right. Right. And before they went over to the
5 Shpack dump do you recall what they were bringing?

6 A Well, everybody was bringing all their materials,
7 degreasing solvents, lacquer thinners, their -- all kinds of
8 heavy metals were coming in. At one time I guess a lot of
9 them ended up going down the sewers but that eventually all
10 stopped because -- let's see, they rebuilt the sewer plant
11 about 1970, I believe. But before that, you know, we didn't
12 have all the discharge from this like we have today. Stuff
13 got a little bit of process and it had to go. Once the
14 tanks filled up they gotta go.

15 MS. TREECE: Well, let's skip ahead to 1963 and
16 we'll see -- I'm going to hand you a photo that I'm marking
17 Exhibit 4, hopefully, it'll be a little bit easier to work
18 with than the '51 photo. And this is a photo that was an
19 aerial photo taken on April 14, 1963.

20 (Photograph dated 4/14/63 marked
21 Deposition Exhibit No. 4.)

22 MS. O'BRIEN: Can I get a copy of Exhibit 2? I
23 didn't get that one.

24 MS. TREECE: I'm not sure that I have an extra
25 copy of that, but let's definitely make a note so that I can

1 A The place was open 24 hours a day, so, you know,
2 you just emptied the barrels. If it was lacquer thinner,
3 well, you'd have a little fun with it, you know. You'd blow
4 them up, you know. Just make a little hole with a nail and
5 touch a match. Two hundred feet in the air, you know. You
6 had to have a little bit of fun in the place, you know.

7 Q Always.

8 A Yeah, well, see, you take like Swanks, they would
9 dump their load in the morning and they would load -- they
10 would dump over there, but in the afternoon the guy would
11 always come to my place. Like Swanks, a lot of office
12 paper, and Swanks always brought a bowl of soup to the help
13 so that they had four or five cases of empty soup cans every
14 day, five days a week.

15 Oh, that's Eastern Case Parts. That's the name of
16 the shop where CVS now, Anson Buick. Anson Buick,
17 Schneider, Carpenter, and Eastern Case Parts, that's one
18 complex where there's a Stop & Shop today.

19 MR. LEDERER: That's the one on 123?

20 THE WITNESS: The big -- yeah. The big -- one of
21 the biggest places that dumped was -- they changed a number
22 of times. I don't remember the exact name right now.
23 Seiselcraft (Phon). I think it was American -- they changed
24 a number of times. People kept buying them out. They used
25 to bring three 50 ad roll-offs and one 30 ad roll-off every

1 day, six days a week, even the size of the landfill. It was
2 a big operation. Today I don't think they've got fifteen
3 cars out in their lot now.

4 BY MS. TREECE:

5 Q And what sort of material were they bringing?

6 A Insulation, paper, asphalt, plastic-coated,
7 aluminum-coated, all types of wrapping paper.

8 Q And they were bringing that to the burning dump?

9 A Burning dump, and to the landfill when it became a
10 landfill.

11 Q Okay. And just going back to when you were
12 talking about Swank, just to clarify, you were saying they
13 dumped at Shpack in the morning usually and then in the
14 afternoons they might ---

15 A Most of the truck fulls went to the Shpack dump.
16 Let's see, in 19 -- let me think -- 1966 burning stopped.
17 They were still dumping some liquids, degreasing solvent.
18 Probably stopped dumping liquids -- well, after 1975 I never
19 knowingly took any liquids in. See, when I had control of
20 the place, and I stopped any liquids coming through the
21 gates. Anybody had a barrel with any liquids, it went back
22 with them. But before that, liquids were -- there was no
23 end. Well, they had to dump somewhere, you know?

24 Q Right. Now, let me ask you, did you ever have any
25 sort of arrangement or agreement with Mr. Shpack about where

Attachment E

Superfund Records Center
SIR: Shpock
PAGE 10.4
CASE: SDMS # 244707

01-31-06 Albert Dumont.txt

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UNITED STATES DISTRICT COURT
FOR DISTRICT OF MASSACHUSETTS

IN RE PETITION OF THE UNITED STATES
OF AMERICA TO PERPETUATE
TESTIMONY PURSUANT TO RULE 27

DEPOSITION OF ALBERT DUMONT

Tuesday, January 31, 2006

9:00 a.m.

Attleboro Water Department

1296 West Street

Attleboro, Massachusetts

----- Ellen Zappia, RPR -----

Capitol Court Reporting, Inc.

225 Reservoir Avenue

Providence, Rhode Island 02907

(401) 453-1005

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01-31-06 Albert Dumont.txt
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GIARRUSSO, NORTON, COOLEY & MCGLONE, PC
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617.770.2900
Waste Management, Inc.

ALSO PRESENT:
Melissa Taylor, EPA
Sarah Meeks, EPA
Wes Kelman, EPA
Dale Broadbent, Reliable Electro Plating

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I N D E X

WITNESS: ALBERT DUMONT

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Ms. Chang	9
Mr. Mastrocola	169
EXHIBITS MARKED:	PAGE:
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2 Response of Albert Dumont To Request for Information Pursuant to Section 104(e) of CERCLA For The Shpack Superfund site	29

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3 Scrapbook 128
4 Newspaper article 162
5 Letter to Mr. Dumont from John
Harvey, dated September 20, 1963 166

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1 (Proceedings commenced at 9:00 a.m.)
2 MS. O'BRIEN: Michelle O'Brien,
3 Moehrke Mackie & Shea, Boston, here on behalf of
4 Albert Dumont and Attleboro Landfill, Inc.
5 MR. LAST: Michael last. I'm common
6 counsel to the Shpack Cooperative Working Group.
7 MR. LEIFER: Steve Leifer, from Baker
8 Botts in Washington, for Texas Instruments.
9 MR. WEISBERG: John Weisberg, with
10 Texas Instruments.
11 MR. OAKES: Matt Oakes, for
12 Environmental Defense.
13 MS. TAYLOR: Melissa Taylor. I'm the
14 EPA project manager for the Shpack Superfund site.
15 MS. ZUCKER: Audrey Zucker, I'm the

01-31-06 Albert Dumont.txt
16 EPA Superfund attorney.
17 MS. CHANG: Deanna Chang, representing
18 EPA and Army Core of Engineers.
19 MR. SHERMAN: Richard Sherman, Edwards
20 Angell Palmer & Dodge, here for Leach & Garner.
21 MR. AGNELLO: John Agnello, Carella,
22 Byrne, Handy & Harman.
23 MR. MCGAHAN: Michael McGahan, Coogan,
24 Smith, for Guyot Brothers and Larson Tool &

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1 Company.
2 MR. JEDELE: Bret Jedele, with Chase
3 Ruttenberg & Freedman, here for Teknor Apex.
4 MR. COBURN: Scott Coburn, Blank Rome,
5 here on behalf of General Cable Industry.
6 MR. KLASS: Ken Klass, Blank Rome,
7 General Cable.
8 MR. BRASK: Dave Brask, and I don't
9 know why I'm here.
10 MR. BETANCOURT: Edwin Betancourt,
11 with Anderson & Kreiger. I'm here for the City of
12 Attleboro.
13 MR. KREIGER: Art Kreiger, and same.
14 MS. MIGNONE: Karen Mignone, Pepe &
15 Hazard, for Thomas & Betts.
16 MR. MASTROCOLA: Paul Mastrocola, from
17 Burns & Levinson, Engelhard Corporation.
18 MR. STRATTON: Seth Stratton, Brown

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19 Rudnick, for International Paper.
20 MR. SINGER: Leonard Singer, for L.G.
21 Balfour Trust.
22 MS. MEEKS: Sarah Meeks, with the EPA.
23 MR. KELMAN: Wes Kelman, EPA.
24 MS. LaROSE: Christine LaRose for

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1 Peter Kelly's office.
2 MR. BROADBENT: Dale Broadbent, for
3 Reliable Electro Plating.
4 ALBERT DUMONT,
5 after having been first duly sworn under oath, was
6 questioned and testified as follows:
7 EXAMINATION BY MS. CHANG:
8 Q. Thank you very much, Mr. Dumont, for
9 coming here today and tomorrow. As you know we're
10 here in regard to the Shpack Superfund site. I
11 know over the past few years you've had quite a
12 bit of -- quite a bit to do with the site. So
13 we're just here to get an idea of what the
14 operations were like when the dumps were
15 operational, and anything else that you can tell
16 us would be much appreciated.
17 I know you've been deposed a couple of
18 times before, so I'll just remind you that the
19 court reporter is taking down everything you say,
20 so if you could speak clearly, and there's also a
21 lot of people in the room, so to the extent you

1 Q. Okay. Well, let's go to 1956 then. who
2 do you recall going to the Shpack dump after 1956?

3 A. Freddy Fontaine worked for Metals &
4 Controls. Two guys. The other guy was George. I
5 don't know the last name. There was a number of
6 trucks. I just can't pick them off right now.

7 Q. Was -- were there any companies that you
8 recall other than the ones we've already
9 mentioned, who had a lot of copper and brass in
10 their waste?

11 A. You mean that originally dumped way back
12 in '46?

13 MS. O'BRIEN: Are you asking back in
14 the 1956 time frame?

15 Q. In general. '46, '56. Anywhere in there.

16 A. '46. '58. We had Swank's dumping over
17 there but --

18 MR. SHERMAN: Could you read the
19 answer back. We can't hear it.

20 A. Other than just scrap iron or something
21 like that, there wasn't much of anything that came
22 from Swank's. Mostly polish and dust.

23 Q. And what time frame was that?

24 A. '46.

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24

1 Q. '46? And they went over to Shpack when he
2 started -- when he opened his dump?

3 A. Right. Yeah.

10 Q. And that was prior to the burning dump
11 closing?

12 A. I believe it was right after the dump
13 closed.

14 Q. Did the slag from Attleboro Refining
15 Company, did it look metallic?

16 A. No.

17 Q. Was it dark gray?

18 A. Dark. Just like you would chisel out of
19 your furnace.

20 Q. Blackish gray?

21 A. Yeah.

22 Q. How about Swank's. We talked a little bit
23 about them earlier. Let's just follow up on that.

24 Did Swank dispose of waste on your

CAPITOL COURT REPORTING (401) 453-1005

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1 property?

2 A. Until the Shpack dump opened up.

3 Q. Do you recall whether Swank was disposing
4 of waste from the 1946 time period? Is that when
5 they began?

6 A. Yes.

7 Q. And then when Shpack -- when the Shpack
8 dump opened, Swank started dumping over there?

9 A. Right.

10 Q. Do you recall what type of waste Swank
11 brought to your dump?

12 A. After '56?

13 Q. I thought after '56 they were dumping at
14 Shpack.

15 A. They were, but the last load in the
16 afternoon came to my place. It was a different
17 driver.

18 Q. Okay. That's after 1956?

19 A. Yes.

20 Q. So from 1956 Shpack would take some -- not
21 Shpack. Swank would take some loads to Shpack?

22 A. Right.

23 Q. And then the last load of the day would go
24 to your place.

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1 A. Right.

2 Q. And do you know how long they did that
3 for?

4 A. Until '65.

5 Q. Do you recall what Swank's waste looked
6 like that came onto your property?

7 A. It was all office paper.

8 Q. All office paper. Nothing else?

9 A. There was about four cases every day of
10 soup cans, half gallon soup cans. Swank supplied
11 soup to every person that worked in their factory.

12 Q. That's nice.

13 A. At lunch time.

14 Q. That was nice.

15 So four to five cases every day of

01-31-06 Albert Dumont.txt
16 empty soup cans and office paper, that's?
17 A. Right.
18 Q. All that came in --
19 A. Yeah.
20 Q. -- to the burning dump?
21 A. Right.
22 Q. Do you know what Swank disposed of at the
23 Shpack dump?
24 A. I have no idea.

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1 Q. Was it a different -- you said it was a
2 different driver, right?
3 A. Yes.
4 Q. Was it a different truck that went?
5 A. Same truck.
6 Q. Same truck, different driver.
7 which was the driver -- what was the
8 name of the driver who came to the burning dump?
9 A. To my dump?
10 Q. Yeah.
11 A. I know his name was Larry. I don't
12 remember the last name.
13 Q. Do you know if he's still around?
14 A. He died.
15 Q. Do you recall who the driver was who went
16 to the Shpack site?
17 A. I don't, no.
18 Q. Do you recall how many times a day Swank

01-31-06 Albert Dumont.txt
19 would go to the Shpack dump?
20 A. At least once.
21 Q. Do you recall whether Swank disposed of
22 liquids at the Shpack dump?
23 A. I have no idea.
24 Q. Aside from the soup cans, can you think of

CAPITOL COURT REPORTING (401) 453-1005

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1 anything else that was distinctive about Swank's
2 waste?
3 A. No.
4 Q. How about -- are you familiar with a
5 company called General Cable Company?
6 A. Yeah.
7 Q. Did General Cable Company dispose of waste
8 on your property at the burning dump?
9 A. Yeah.
10 Q. Do you recall what time period they
11 disposed of waste?
12 A. '56 to '65.
13 Q. Do you know where General Cable Company
14 was located?
15 A. South Attleboro.
16 Q. Did they haul their own waste?
17 A. Well, it was only pallets.
18 Q. Pallets?
19 A. Yeah. Wooden pallets. That's all there
20 was.
21 Q. How many times a day?

Attachment F

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UNITED STATES DISTRICT COURT
FOR DISTRICT OF MASSACHUSETTS

IN RE PETITION OF THE UNITED STATES
OF AMERICA TO PERPETUATE
TESTIMONY PURSUANT TO RULE 27

Volume II

CONTINUATION OF THE DEPOSITION OF ALBERT DUMONT

wednesday, February 1, 2006

9:00 a.m.

Attleboro Water Department

1296 West Street

Attleboro, Massachusetts

----- Ellen Zappia, RPR -----

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I N D E X

WITNESS:	ALBERT DUMONT	
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Mr. Last		8
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Ms. Teiling		129
Mr. Agnello		145
Ms. Mignone		199
Mr. Jedele		200
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EXHIBITS MARKED:		PAGE:
6 Letter to Attleboro Landfill, Inc. From New England Testing Laboratory, Inc., dated July 8, 1975		48
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9 GHR Engineering Corporation Report 59
10 Letter to Mr. Harvey from Goditt & Boyer, dated December 8, 1964 66

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1 (Proceedings commenced at 9:05 a.m.)

2 ALBERT DUMONT,

3 having been previously sworn under oath, was
4 questioned and testified as follows:

5 MS. O'BRIEN: I guess before we start,
6 I just wanted to put back on the record the
7 stipulations that we touched on briefly yesterday
8 regarding objections. Make sure all counsel are
9 in agreement that all objections except as to the
10 form of the question will be reserved until the
11 time of trial. Motions to strike would also be
12 reserved. We didn't cover yesterday, but I want
13 to put on the record the -- as provided by the
14 rules, the witness will have an opportunity to
15 read and sign the transcript. I'd like to waive

6 quantities in the trash, correct?

7 A. That's right.

8 Q. Did you ever see any hazardous waste
9 materials or materials that you thought were
10 hazardous waste in the materials being brought by
11 Goditt & Boyer?

12 A. No.

13 Q. You're not sure whether there was or there
14 wasn't hazardous waste in those materials?

15 MS. O'BRIEN: Objection.

16 A. I didn't.

17 Q. You can answer.

18 A. Yeah. I don't know whether there was or
19 there wasn't.

20 Q. I'm now going to ask you if you wouldn't
21 mind turning to page 62. And I'm going to ask you
22 to look at a few lines on 62 and 63. And what I'm
23 going to ask you to do is just skim from line 15
24 on page 62 to line 13 on page 63. Again on page

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1 62 starting with line 15. There was a question
2 about whether Goditt & Boyer brought industrial
3 materials or more of a general operation and you
4 said both. Is it your current recollection that
5 Goditt & Boyer brought both general trash and
6 industrial waste to the burning dump?

7 A. Yes.

8 Q. Mr. Last, the person who just questioned

9 you, asked you a couple of questions about jewelry
10 manufacturers and what kind of waste they generate
11 and you answered those questions. One of the
12 questions that I wanted to ask you about, and I
13 think you probably indicated this to Mr. Last, but
14 on page 63 you see where it says on line eight,
15 talking about jewelry shops, almost every shop in
16 Attleboro had all this vacuum stuff, you know, for
17 polishing.

18 A. Right.

19 Q. And I just wanted to be clear on what you
20 meant by "vacuum stuff."

21 A. Well, every factory had polishes,
22 polishing jewelry.

23 Q. So the vacuum stuff, is that the material
24 that is vacuumed up off the floor?

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1 A. No.

2 Q. Oh, I'm sorry. Can you describe it a
3 little bit more specifically for me.

4 A. Most factories had big blower systems with
5 shoots and every so often they'd go up in flames
6 or they would empty them out and bring it to the
7 dump.

8 Q. I see. So the -- I think I see. The
9 shoots were those to capture the dust?

10 A. Right.

11 Q. I see. Almost like a filter.

12 A. Yes.

13 Q. So the vacuum stuff would've been the
14 material removed or cleaned out from those dust
15 filter systems. Is that a fair statement?

16 A. It would be sucked into a container as the
17 guy is hand polishing.

18 Q. Thank you.

19 If you wouldn't mind turning to the
20 next page, which is 64. I'm just going to ask you
21 to look at a couple of lines from there. This is
22 just line ten to 21. Is it your recollection that
23 Goditt & Boyer brought material to the burning
24 dump quite frequently and indeed sometimes every

CAPITOL COURT REPORTING (401) 453-1005

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1 hour?

2 A. Could be.

3 Q. Were there occasionally paint or toner
4 materials in the materials that Goditt & Boyer
5 brought to the burning dump?

6 A. No.

7 Q. There were no paints or toners?

8 A. All paper.

9 Q. Were there oils or absorbents?

10 A. No.

11 Q. Did Goditt & Boyer bring waste from
12 jewelry companies to the burning dump?

13 A. A few.

14 Q. Did those shipments from the jewelry
Page 72

15 companies occasionally contain vacuum stuff as
16 referred to on page 63?
17 A. Are you talking in the '58 times?
18 Q. I am talking?
19 A. '58, '59?
20 Q. Yes.
21 A. You're talking about.
22 Q. That I am talking about any time between
23 1946 and 1965.
24 A. I wasn't in the business in '46.

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1 Q. I know. And the reason I went back to '46
2 is because I believe you testified that for a
3 brief period of time you worked there. It was
4 only a couple of months and then you went into the
5 service and came back. But that's why I included
6 that long time range.
7 A. All right.
8 Q. So going back -- so I'm basically asking
9 you --
10 A. From '56.
11 Q. -- from '56 on or at any time in 1946
12 while you were there, did you see shipments
13 brought to the site by Goditt & Boyer which
14 contained vacuum stuff and just to use the term
15 that you used in your deposition, or other
16 metallic materials from jewelry companies?
17 A. From '58 until probably '61 or so all they
Page 73

18 had was an old pickup truck and by the time he got
19 to the dump there was nothing left in the truck.
20 Because there was nothing left to hold the rubbish
21 in the truck.

22 Q. Some of the materials were falling out of
23 the truck?

24 A. All the paper was gone by the time he got

CAPITOL COURT REPORTING (401) 453-1005

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1 to the dump. Now, in probably '61 or maybe, it
2 became a rubbish packer. People have -- back in
3 those days all you had was barrels. The only one
4 that had a rubbish packer was the city. So that
5 people would come to the dump and empty out
6 barrels, but you started getting into the '60s,
7 people had rubbish packers. So that the rubbish
8 would be packed into the truck.

9 Q. Okay. And I remember you talked about
10 those rubbish packers before.

11 A. Right.

12 Q. Let's go back to just page 63 for a
13 moment, which might be on the reverse side of the
14 page that you're holding. And in it you said at
15 the top -- or if you just read the lines that go
16 from line three down to ten.

17 A. Yeah.

18 Q. The question then is did material brought
19 to the site by Goditt & Boyer contain metallic
20 dust or other metallic materials from jewelry

21 companies in the Attleboro area at any time?

22 A. There could be.

23 Q. Up until 1965?

24 A. There could be a little bit of dust.

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1 Mostly the bigger factories like Swank's would
2 come with just their own truck loaded with dust.

3 Q. So the Swank --

4 A. See, most polishing shops you had a lot of
5 small jewelry shops with a small operation, but
6 you had a few that were big. Not many. So that
7 there could be -- there could be dust packed into
8 your rubbish paker in between whatever, you know,
9 people just dumped a barrel into the hopper and it
10 got packed into the rubbish.

11 Q. And the basis for your statement that
12 there could've been is that did you actually see
13 even once the evidence of metallic finds or dust
14 or things like that in those rubbish packers?

15 A. Not paying too much attention. In other
16 words, if I had nothing to salvage -- if I
17 couldn't salvage anything out of a load, then I
18 would just throw a match in and go to the next
19 pile.

20 Q. Yes, I believe you testified that you
21 didn't necessarily inspect carefully every single
22 load.

23 A. No.

24 Q. Did you see that on at least one occasion

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1 the evidence of metallic dust or finds from
2 jewelry companies in even one load?

3 A. Not paying attention I can't say that I
4 didn't and I can't say that I did.

5 Q. And you referenced Swank. Did some of
6 their shipments contain significantly more amounts
7 of the metal dust and finds?

8 A. Oh, yeah.

9 Q. Did some of their --

10 A. Well, I don't know if you're talking about
11 metal dust. I'm talking about just black
12 polishing dust. I don't know what's in there. I
13 had no idea.

14 Q. Thank you for that clarification. Let's
15 just talk about black polishing dust for the
16 moment. Did some of the Swank shipments
17 contain -- let me rephrase that. Not a very good
18 question.

19 For some of the Swank shipments were
20 they made up mostly of black polishing dust?

21 A. When they brought polishing dust, that's
22 the only thing they had on the truck.

23 Q. I see. And what amount of polishing dust
24 was brought on those occasions when only polishing

CAPITOL COURT REPORTING (401) 453-1005

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1 dust was brought to the site, and of course you
2 can't be exact, but can you make an estimate?

3 A. I'd say five yards.

4 Q. Five cubic yards.

5 A. Four or five cubic yards.

6 Q. Thank you.

7 Mr. Dumont, if you could turn to page
8 69 for a moment in your prior deposition
9 transcript. I will ask you to look at lines 21 to
10 the end on that page, and the last -- and the
11 first line on the next page.

12 Okay? Have you had a chance to take a
13 look at that?

14 A. Yep.

15 Q. Is it your current recollection that D.E.
16 Makepeace disposed of a lot of liquids and dumped
17 their liquids all over the Shpack dump?

18 A. D.E. Makepeace was only on Denham street.
19 The truck that was dumping the liquids that I saw
20 was Engelhard Industries.

21 Q. Let me rephrase my question and substitute
22 Engelhard Industries for D.E. Makepeace. And my
23 question then to you would be, is it your current
24 recollection that Engelhard dumped a lot of

CAPITOL COURT REPORTING (401) 453-1005

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13 know Roger LaBonte or LaBonte?
14 A. No.
15 Q. Do you know Norman St. Pierre?
16 A. I got a cousin by the name of Norman St.
17 Pierre.
18 Q. Was he a driver for St. Regis or Forti
19 Fiber?
20 A. No. He blew up in Thompson Chemical.
21 Q. Do you remember any of the names of the
22 drivers for St. Regis or Fortifiber?
23 A. No.
24 Q. One more company and I'm done. Thank you

CAPITOL COURT REPORTING (401) 453-1005

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1 for your patience.
2 I'm going to ask you to look at page
3 34 for a second. A couple of lines there. And
4 I'm looking at line six to eight.
5 A. Yes.
6 Q. Is it your current recollection that
7 various companies were bringing decreasing
8 solvents, lacquer thinners and heavy metals to the
9 burning dump?
10 A. I saw barrels, you know, when I'd come in
11 in the morning or wherever and off and on there
12 was barrels.
13 Q. Is it your understanding that those
14 barrels contained decreasing solvents, lacquer
15 thinners and heavy metals?

16 A. Yeah. I used to blow up the lacquer
17 thinner and I emptied out barrels that had
18 decreasing solvents in. Took the bunks off.

19 Q. Was Swank one of the companies that
20 brought these materials to the burning dump?

21 A. Well, Swank was dumping in the Shpack
22 dump.

23 Q. In the Shpack dump?

24 A. Right.

CAPITOL COURT REPORTING (401) 453-1005

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1 Q. Were these materials, the decreasing
2 solvents, lacquer thinners and heavy metals being
3 deposited by Swank in the Shpack dump?

4 A. I have no idea. I saw barrels. I think
5 you'll find I testified that I saw barrels in
6 trucks, but I never saw anybody dumping them other
7 than that one time.

8 Q. Were the barrels 55-gallon drums?

9 A. Yes. But they could've been empty.
10 Could've been full.

11 Q. What kind of business was Swank in?

12 A. Jewelry.

13 Q. Did Swank ever take materials to the
14 burning dump?

15 A. Yes.

16 Q. Was there ever an occasion in which you
17 saw sludge in the materials that were taken by
18 Swank to the burning dump?

- 19 A. Not that I know of.
- 20 Q. Did you ever see any watch dials that were
- 21 taken or watches that were disposed of at the
- 22 burning dump or the Shpack dump?
- 23 A. No.
- 24 Q. Are you familiar with watches that have

CAPITOL COURT REPORTING (401) 453-1005

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- 1 radium dials?
- 2 A. No.
- 3 Q. Do you know of anyone who disposed of
- 4 radium at the Shpack dump?
- 5 A. No.
- 6 MR. LEIFER: Mr. Dumont, thank you for
- 7 your patience and for answering my questions. I
- 8 have no more questions.
- 9 A. Thank you.
- 10 (A luncheon recess was taken.)
- 11 EXAMINATION BY MR. OAKES:
- 12 Q. Hello, Mr. Dumont. My name is Matthew
- 13 Oakes, and I work for the Environmental Defense
- 14 section of the Department of U.S. Justice, and I
- 15 represent the United States. And I just have a
- 16 few questions for you today.
- 17 You testified yesterday that people
- 18 from the Nike site disposed of what appeared to be
- 19 paint once a year or so. Is that correct?
- 20 A. Something like that. Yeah.
- 21 Q. And this happened between the years of

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1 offsite, it wasn't from your other property?

2 A. Not yet, no.

3 Q. You testified earlier today that certain
4 customers would switch back and forth between the
5 burning dump and the Shpack dump. Any reason for
6 that that you know of?

7 A. Well, the only one was Swank's is because
8 I knew the driver in the afternoon.

9 Q. And you got him to come to your property
10 in the afternoon?

11 A. No. He just came because he knew me and
12 he was the afternoon driver.

13 Q. And Swank had material that you could
14 salvage?

15 A. I would only save the cardboard boxes from
16 all the cans of soup that they supplied employees
17 with. There was nothing else but paper.

18 Q. What about soup cans?

19 A. Pardon?

20 Q. Did you do the soup cans too? Did you
21 salvage those?

22 A. Well, after they burnt. We used to fill
23 the truck with cans.

24 Q. When you testified earlier today about

CAPITOL COURT REPORTING (401) 453-1005

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Attachment G

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SDMS # 29910

02-10-06 Albert Dumont.txt

UNITED STATES DISTRICT COURT
FOR DISTRICT OF MASSACHUSETTS

IN RE PETITION OF THE UNITED STATES
OF AMERICA TO PERPETUATE
TESTIMONY PURSUANT TO RULE 27

Volume III

CONTINUATION OF THE DEPOSITION OF ALBERT DUMONT

Friday, February 10, 2006

12:00 p.m.

Attleboro Fire Department

1500 West Street

Attleboro, Massachusetts

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David J. Brask
217 O'Neil Boulevard
P.O. Box 1240
Attleboro, Massachusetts 02703

CAPITOL COURT REPORTING (401) 453-1005

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5

I N D E X

WITNESS:	ALBERT DUMONT	
EXAMINATION BY:		PAGE:
Mr. Kreiger		7
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EXHIBITS MARKED:		PAGE:
11 Memorandum of decision dated December 5, 1978		13
12 Street map of the Town of Norton		40
13 Agreement dated August 31, 1959		53
14 Agreement dated August 31, 1962		60

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15 Agreement dated September 5, 1963 67
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6

1 (Proceedings commenced at 12:15 p.m.)

2 ALBERT DUMONT,

3 having been previously sworn under oath, was
4 questioned and testified as follows:

5 MS. CHANG: why don't we go through
6 and see who all is on the phone.

7 MR. WEISBERG: John Weisberg, with
8 Texas Instruments.

9 MR. OAKES: Matt Oakes.

10 MR. STRATTON: Seth Stratton for
11 International Paper.

12 MR. AGNELLO: John Agnello, Handy &

21 that.

22 Q. Okay.

23 I want to ask you for a moment about
24 jewellers who brought things to the burning dump.

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1 So now we're moving forward to the period of the
2 burning dump in the '40s or '50s.

3 You described that one jeweller sent a
4 cart load of dust or sweepings to the landfill --
5 to the burning dump, correct? Did more than one
6 jeweller do that?

7 A. Every jeweller sent their sweepings and
8 material. When they dumped their barrels, you
9 would see dust, but you didn't pay no attention to
10 it.

11 Q. You, I think, made a distinction last time
12 between the big jewellers and the smaller
13 jewellers?

14 A. Right. There's only one big jeweller that
15 dumped a truckload. The rest was all just a
16 little bit.

17 Q. A little bit? How often?

18 A. Well, sometimes a pickup truck came every
19 day to dump their barrels.

20 Q. And the one that dumped a truckload was
21 which?

22 A. It was Swank's.

23 Q. I'm going to ask you about a number of

24 other companies or entities and just try and run

CAPITOL COURT REPORTING (401) 453-1005

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1 through them as efficiently as we can and ask you
2 whether they had any relationship with the burning
3 dump.

4 Did a company called AT Cross ever
5 sends things to the burning dump?

6 A. No.

7 Q. You don't remember their ever sending
8 anything?

9 A. No.

10 Q. And if you don't remember their sending
11 something, is it still possible that they sent
12 things in packer trucks brought by waste haulers?

13 MS. O'BRIEN: Objection.

14 Q. Let me rephrase that. When you say that
15 they didn't send anything, are you saying simply
16 that you didn't see anything coming in that you
17 could identify as theirs?

18 A. Right.

19 Q. Okay. Adams Manufacturing?

20 A. Never heard of them.

21 Q. American Steel?

22 A. Never. No.

23 Q. Never heard of them?

24 A. Yeah, I've seen their advertisement on

CAPITOL COURT REPORTING (401) 453-1005

16 companies that generated the waste, that is,
17 companies that hauled their own waste?

18 A. Eventually -- eventually everybody hired
19 the big boys. Everybody wanted containers.
20 People didn't want to empty barrels anymore.
21 Everything was containerized.

22 Q. So nobody brought their own waste anymore?

23 A. Well, there's a few.

24 Q. Like who?

CAPITOL COURT REPORTING (401) 453-1005

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92

1 A. A few small guys. Levins.

2 Q. Is that Levins Metals?

3 A. Levins -- on Summer Street.

4 Q. Okay.

5 A. I don't know. Swank's, they still brought
6 two or three loads a day. There was a number of
7 them that hauled. Robbins Company.

8 Q. And that waste went to this area that
9 we're talking about, the burning dump area. What
10 used to be the burning dump.

11 A. Yeah.

12 Q. Right?

13 A. Yeah. This wasn't -- this wasn't the
14 burning dump. The city excavated all my property
15 here. This was solid ground. Oh, no. I'm sorry.
16 This was all solid ground.

17 Q. You're a little off on the location,
18 right?

Attachment H

David J. Brach
P.O. Box 94258
Las Vegas, NV 89193

3-20-06

Superfund Records Center
SITE: Shpack
BREAK: 11.09
OTHER: 252865

USEPA
Barbara O'Toole (HBS)
1 Congress St Ste 1100
Boston, Ma, 02703

Dear Barbara O'Toole

I want to start off by giving you some history, Godett & Boyer was a company taken over by my mother Mary Brach in 1958. It was primarily

iron, metal and paper co (buying and selling) It was located at 7 Maynard St. in Attleboro, Ma. I worked at Pratt & Whitney Aircraft in E. Hartford, Ct. in 1958. In 1959 I worked at M+C Nuclear in Attleboro Mass. After that I did many things: ① Vending Machines COIN-O-MATIC SERVICE CO. ② Making boxes PAR-KEE BOX CO. ③ Mailrouter from Wells Mfg., Lambert Engineering to Attleboro P.O. ④ Postal Route Attleboro P.O., Dodgeville, Hebronville.

⑤ I had a contract w/ City of Attle. to help doze the burned trash at City Dump.

⑥ Town of Seekonk Rubbish residential every other wk. P.U. ⑦ Town of Seekonk Garbage P.U. Residential. When my mother passed away in 1963 I contacted Dempster Bros. in Knoxville, TN about containerization in the waste industry. I took over the scrap business and incorporated Godett & Boyer, Inc. in 1965. In approx 1985 G+B was merged w/ L.W. Fontaine Inc. to form Waste Systems, Inc. In approx 1986 Waste Systems, Inc. was sold to Waste Management. At that time I left the hauling business.

All I'll be answering is to the best of my knowledge as this is over 40 yrs ago.

Sincerely
hbk

4198
DAVE'S AUTO
REPAIR
ATTLEBORO
Dave's Auto Repair

ENCLOSURE A
INFORMATION REQUEST FOR
SHPACK LANDFILL SUPERFUND SITE

* **Period Being Investigated:** *

* **For Dumont Parcel - 1946 through 1965** *

For Shpack Parcel - 1946 through 1975

* *

In addition to the questions which follow, this enclosure includes a declaration, a site description, detailed instructions for responding to this request, and definitions of words such as "Respondent," "Site," "Dumont Parcel," "Shpack Parcel," "identify," "waste," and "asset" used in the questions. These materials appear at the end of the questions; please refer to them in answering all questions. Of particular importance:

- Please read the attached Site Description before responding to these questions. In particular, please note that the site encompasses two pieces of property – the Dumont Parcel and the Shpack Parcel, both of which are described in the definitions appearing at the end of these questions.
- Answer each question with respect to the period being investigated identified in each question unless the question indicates otherwise.
- Answer all questions completely in accordance with the definitions and instructions.
- Complete the enclosed declaration.
- For each question, identify all persons and documents relied upon in the preparation of the answer.
- All information provided for which you are making a claim of business confidentiality or which contains personal privacy information should be contained on separate sheets and clearly marked as confidential or private.
- This request imposes a continuing obligation upon you to submit responsive information discovered after your original response is submitted to EPA.

Enclosure A

I have not relied on any person to complete this report.

I have no documents in my possession to help in this report.
all records were turned over to Waste Management when
Waste System, Inc. was sold to them.

INFORMATION REQUEST QUESTIONS

NOTE: As provided on the enclosed Information Request Definitions, the term "you" or "Respondent" as used herein shall mean David J. Brask doing business as Goditt & Boyer, its managers, employees, contractors, trustees, successors, assigns, and agents, and any predecessor or successor entities.

1. General Information About Respondent:

NOTE: All questions in this section refer to the present time unless otherwise indicated.

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent, provide:
 - i. full name;
 - ii. title;
 - iii. business address; and
 - iv. business telephone number, FAX machine number and e-mail address.
- c. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including any legal notices, please so indicate here by providing that individual's name, mailing address, telephone number, FAX number, and e-mail address.
- d. State every name and address under or at which the Respondent conducted business during the period being investigated during the period 1946 through 1965.
- e. State the dates during which it conducted business under or at each such name and location identified in response to Question 1(d) above.
- f. Provide the names of all Superfund sites for which Respondent has received notification of its potential liability from EPA and the dates of such notification(s).
- g. Provide the names of all Superfund sites in Region I (New England) for which Respondent has received a request for information from EPA.

2. Materials Transported by Respondent to the Dumont Parcel:

NOTE: All questions in this section refer to the period being investigated for the Dumont Parcel (i.e., 1946 through 1965) unless otherwise indicated.

- a. Identify (see Definitions) all persons and entities from whom Respondent picked up materials which were taken directly or indirectly to the Dumont Parcel (to be referred to as "customers" for purposes of this Information Request).
- b. Complete the enclosed "Carrier Survey for the Dumont Parcel" (Enclosure C) for each

1.
a. DAVID S. BRASH P.O. BOX 94258 LAS VEGAS, NV 89193

b.

I. DAVID S. BRASH

II. NONE

III. NONE

IV. NONE

c. NONE

d. GODITT + BOYER
GODITT + BOYER, INC.
PAR-REE BOX CO

7 MAYNARD ST.
ATTLEBORO, MA

COIN-O-MATIC SERVICE CO.

DAVES AUTO REPAIR

e. GODITT + BOYER 1962-65

GODITT + BOYER, INC. 1965

PAR-REE BOX CO 1960-65

COIN-O-MATIC SER. CO 1960-65

DAVES AUTO REPAIR

f. J. M. MILLS CUMBERLAND, R.I. DATE UNKNOWN

g. I believe J. M. MILLS

2.

a. NEVER DEPOSITED INTO DUMONT PARCEL

b. NONE

Shpack Landfill Superfund Site

Request for Information

individual and entity whose materials (see Definitions) Respondent (see Definitions) transported to the **Dumont Parcel**.

c. Provide a list that identifies (see Definitions) all such customers, and provide copies of customer lists, accounts receivables lists, or route slips that were used during the period being investigated that show such customer names and/or descriptions or amounts of materials handled.

d. For each customer's materials taken to the **Dumont Parcel**, describe:

- i. the volume;
- ii. the nature;
- iii. chemical composition;
- iv. color;
- v. smell;
- vi. physical state (e.g., solid, liquid);
- vii. any other distinctive characteristics; and
- viii. the years during which each customer's materials were taken to the **Dumont Parcel**.

e. For each waste type or source category identified (see Definitions) in the Carrier Survey for the **Dumont Parcel**, identify the specific customer or customers to which these materials were derived. (If this information is already identified on the Carrier Survey, indicate this by reference here).

f. Provide copies of all tests, analyses, and analytical results, shipping invoices, manifests or other tracking report(s) concerning each material Respondent transported to the **Dumont Parcel**.

g. Identify (see Definitions) any other individuals or entities (e.g., customers) that might have documents responsive to the previous question, and explain the basis for such a belief.

h. Describe the containers picked up from each customer which were taken to the **Dumont Parcel**, including containers (if any) that Respondent (see Definitions) provided to customers for such use, including but not limited to:

- i. the type of container (e.g., 55 gallon metal drum, 15 gallon cardboard drum, 5 gallon metal pail, etc.);
- ii. the condition of the container (e.g., open, closed, sealed, damaged, new, used, etc.);
- iii. the color of the container;
- iv. any distinctive stripes or other markings on the containers; and
- v. any labels or writing on those containers (including the content of those labels or writing).

C, NONE

11

d NONE

e NONE

f, NONE

g NONE

h, NONE

Shpack Landfill Superfund Site

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- i. Identify (see Definitions) and provide copies of all documents (including but not limited to log books, dump slips, manifests, receipts, and invoices) concerning the collection of materials (including, but not limited to, composition and quantity of materials) from customers whose materials were taken to the **Dumont Parcel** by Respondent.
- j. Identify (see Definitions) and provide copies of all documents concerning the nature, quantity or source of materials taken to the **Dumont Parcel** by Respondent.
- k. For the periods before and after the period being investigated, identify (see Definitions) and describe all records created or kept by Respondent concerning the nature or quantity of materials:
 - i. collected from customers; and
 - ii. taken to the **Dumont Parcel**.
- l. Identify (see Definitions) all Respondent's employees who may have taken or accompanied materials to the **Dumont Parcel**.
- m. For each employee identified in Question 2(l) above, describe the employee's responsibilities including, but not limited to:
 - i. dates of employment;
 - ii. nature of the position to which each employee was assigned;
 - iii. the customers each employee served;
 - iv. the locations to which each employee took or accompanied materials; and
 - v. the routes which each employee followed.
- n. Identify (see Definitions) the Respondent's office manager for the period being investigated.
- o. Identify (see Definitions) the Respondent's bookkeeper or other employee who handled the company's checkbook and accounts receivables for the period being investigated.
- p. Describe Respondent's vehicles used to transport materials during the period being investigated, including but not limited to:
 - i. type of vehicles (e.g., tanker, flatbed, etc.);
 - ii. the color(s);
 - iii. distinctive markings (e.g., company names, logo); and
 - iv. number(s) of each type of vehicle.
- q. Indicate which types of vehicles Respondent used to transport materials to the **Dumont Parcel**.

111

I NONE

J, NONE

K, NONE

L NONE

M NONE

N NONE

O. NONE

P, NONE

Q NONE

Shpack Landfill Superfund Site

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r. If not already identified in your responses to the questions above, please state whether the following companies were Respondent's customers during the period being investigated from whom Respondent picked up materials which were taken directly or indirectly to the **Dumont Parcel**:

- i. Mantrose-Haueser/Kewanee Industries
- ii. Thompson Chemical
- iii. Puritan Aerosol/Peterson Puritan
- iv. Carol Cable
- v. St. Regis Paper/Sisalkraft/American Sisalkraft
- vi. Teknor Apex
- vii. Apex Tire and Rubber
- viii. Texas Instruments/Metals and Controls
- ix. Swank
- x. Engelhard/D.E. Makepeace
- xi. Handy & Harmon/Attleboro Refining
- xii. Leach and Garner
- xiii. Thomas & Betts
- xiv. Reliable Electroplating
- xv. City of Attleboro
- xvi. Town of Norton
- xvii. L.G. Balfour
- xviii. Glines and Rhodes
- xix. Marathon Co.
- xx. Guyot Brothers
- xxi. Plastic Craft Novelty Co.
- xxii. Larson Tool and Stamping Co.
- xxiii. The Robbins Co.

3. Site Operations:

NOTE: All questions in this section refer to the period being investigated for the Dumont Parcel (i.e., 1946 through 1965) unless otherwise indicated.

- a. Describe what was done to each type of material after it was taken to the **Dumont Parcel**.
- b. Describe where each type of material brought to the **Dumont Parcel** was disposed or otherwise placed.
- c. Identify (see Definitions) where particular types of materials were placed or disposed at the **Dumont Parcel**, including but not limited to:
 - i. the types of materials so placed or disposed;

IV

R NONE

3

a NONE

b NONE

c
I NONE

Shpack Landfill Superfund Site

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- ii. where on the **Dumont Parcel** each type of material was placed or disposed; and
 - iii. how each type of material was placed or disposed (e.g., site operator crushed full pails with bulldozer or Respondent emptied full 55 gallon metal barrels into a pit and site operator then crushed and buried the barrels).
- d. Identify (see Definitions) where each customer's materials were placed or disposed at the **Dumont Parcel**, including but not limited to:
- i. the identity of (see Definitions) each such customer;
 - ii. the nature and chemical composition of each such customer's type of material so placed or disposed;
 - iii. the quantity of each such customer's material so placed or disposed; and
 - iv. where on the **Dumont Parcel** each such customer's material was so placed or disposed.
- e. With regard to any drums placed or disposed at the **Dumont Parcel**, identify (see Definitions):
- i. where they were placed or disposed; and
 - ii. their condition when placed or disposed (e.g., if they were left open or closed, intact or punctured, whole or crushed).
- f. With regard to any liquids placed or disposed at the **Dumont Parcel**, identify (see Definitions) whether, where, and how such liquids were:
- i. mixed at the **Dumont Parcel**;
 - ii. placed or disposed in separate areas; and
 - iii. placed or disposed in their containers or removed from their containers.
- g. Describe all procedures undertaken by Respondent and the **Dumont Parcel** operator upon Respondent's arrival/entry on to the **Dumont Parcel**, including but not limited to:
- i. the completion of any documentation of disposal/placement at the **Dumont Parcel**;
 - ii. any exchange of cash or checks; and
 - iii. any review of permits or other authorities to dispose/place materials at the **Dumont Parcel**.
- h. Identify (see Definitions) and describe Respondent's procedures for paying for the disposal/placement of materials at the **Dumont Parcel**, including but not limited to:
- i. method of payment (e.g., cash, check, money order);

V
II. NONE
III. NONE

d

I. NONE
II. NONE
III. NONE
IV. NONE

e.

I. NONE
II. NONE

f.

I. NONE
II. NONE
III. NONE

g.

I. NONE
II. NONE
III. NONE

h.

I. NONE

- ii. the frequency of which those payments were made;
- iii. to whom those payments were made;
- iv. the total amount of those payments and the rates paid;
- v. where those payments were made (e.g., at the **Dumont Parcel**, sent in mail, etc.); and
- vi. identifying (see Definitions) the Respondent's employee/agent in charge of accounting for and making such payments.

i. Identify (see Definitions) other individuals and entities that Respondent has reason to believe may have taken or sent materials to the **Dumont Parcel**, and describe the basis of such belief.

j. Of those individuals and entities identified in the response to Question 3(i) above, identify (see Definitions) which individuals or entities Respondent observed at the **Dumont Parcel**, and when those observations were made.

k. Identify (see Definitions) and provide all information known by Respondent concerning the customers of the entities or individuals identified in Questions 3(i) and 3(j) above (i.e., the companies or individuals whose material was taken to the **Dumont Parcel**), including any documents concerning such customers.

4. Storage, Consolidation or Transfer:

NOTE: All questions in this section refer to the period being investigated for the Dumont Parcel (i.e., 1946 though 1965) unless otherwise indicated.

a. If Respondent did not bring all materials directly from customers to the **Dumont Parcel** (i.e., materials were stored, treated, consolidated, transferred or held at other locations prior to final disposal/placement at the **Dumont Parcel**), provide:

- i. the name and address of the other locations;
- ii. a description of the nature of operations at such other locations;
- iii. the identity of (see Definitions) the individuals and entities who operated such other or locations;
- iv. a description of the kinds of materials taken to those locations;
- v. a description of the quantities of materials taken to those locations;
- vi. a description of the process(es) the materials underwent at each such location (e.g., storage, consolidation, treatment, etc.); and
- vii. a description of how long wastes remained at each such location before being taken to the **Dumont Parcel**.

5. Information Concerning the Shpack Parcel:

NOTE: All questions in this section refer to the period being investigated for the Shpack Parcel (i.e., 1946 through 1975) unless otherwise indicated.

a. Identify (see Definitions) all persons and entities from whom Respondent picked up materials which were taken directly or indirectly to the **Shpack Parcel** (to be referred to

VI

- II. NONE
- III. NONE
- IV. NONE
- V. NONE
- VI. NONE

- I. NONE
- J. NONE
- K. NONE

4.

a.

- I. NONE
- II. NONE
- III. NONE
- IV. NONE
- V. NONE
- VI. NONE
- VII. NONE

5.

a. NONE

Shpack Landfill Superfund Site

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as "customers" for purposes of this Information Request).

b. Complete the enclosed "Carrier Survey for the **Shpack Parcel**" (Enclosure D) for each individual and entity whose materials (see Definitions) Respondent (see Definitions) transported to the **Shpack Parcel**.

c. Identify (see Definitions) all individuals and entities that Respondent has reason to believe may have taken or sent materials to the **Shpack Parcel**, and describe the basis of such belief.

d. Of those individuals and entities identified in the response to Question 5(c) above, identify (see Definitions) which individuals or entities Respondent observed at the **Shpack Parcel**, and when those observations were made.

e. Identify (see Definitions) and provide all information known by Respondent concerning the customers of the entities or individuals identified in Questions 5(c) and 5(d) above (i.e., the companies or individuals whose material was taken to the **Shpack Parcel**), including any documents concerning such customers.

f. If not already identified in your responses to the questions above, please state whether the following companies were Respondent's customers during the period being investigated from whom Respondent picked up materials which were taken directly or indirectly to the **Shpack Parcel**:

- i. Mantrose-Haueser/Kewanee Industries
- ii. Thompson Chemical
- iii. Puritan Aerosol/Peterson Puritan
- iv. Carol Cable
- v. St. Regis Paper/Sisalkraft/American Sisalkraft
- vi. Teknor Apex
- vii. Apex Tire and Rubber
- viii. Texas Instruments/Metals and Controls
- ix. Swank
- x. Engelhard/D.E. Makepeace
- xi. Handy & Harmon/Attleboro Refining
- xii. Leach and Garner
- xiii. Thomas & Betts
- xiv. Reliable Electroplating
- xv. City of Attleboro
- xvi. Town of Norton
- xvii. L.G. Balfour
- xviii. Glines and Rhodes
- xix. Marathon Co.
- xx. Guyot Brothers

b. NONE

c. METALS & CONTROLS

FOREST ST.
ATTLEBORO, MA

AUTOMATIC MACHINE
ATTLEBORO, MA.

FONTAINE TRUCKING
ATTLEBORO, MA.

GAMACHE TRUCKING

?

MAKEPEACE CO

?

d. METALS & CONTROLS

FOREST ST.
ATTLEBORO, MA

AUTOMATIC MACHINE
ATTLEBORO, MA

FONTAINE TRUCKING
ATTLEBORO, MA

GAMACHE TRUCKING

?

MAKEPEACE CO

?

e. THAT IS ALL I KNOW

f. NONE

I SAW THEIR TRUCKS
UNLOADING THERE

ATTLEBORO REFINING CO
UNION ST
ATTLEBORO, MA

SWANK
SPEEDWAY
ATTLEBORO, MA

VISUALLY SAW THEM
1964, 65

ATTLEBORO REFINING CO
UNION ST
ATTLEBORO, MA

SWANK
SPEEDWAY
ATTLEBORO, MA

- xxi. Plastic Craft Novelty Co.
- xxii. Larson Tool and Stamping Co.
- xxiii. The Robbins Co.

6. Information About Others:

- a. If you have information concerning the operation of the **Dumont Parcel**, the **Shpack Parcel**, or the source, content or quantity of materials placed/disposed at the **Dumont Parcel** or the **Shpack Parcel** that is not included in the information you have already provided, provide all such information.
- b. If not already included in your response, if you have reason to believe that there may be persons able to provide a more detailed or complete response to any of these questions or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
- c. If not already provided, identify all persons, including Respondent's current and former employees, who have knowledge or information about the generation, use, purchase, treatment, storage, disposal, placement or other handling of materials at, or transportation of materials to, the **Dumont Parcel** or the **Shpack Parcel**.

7. Compliance with This Request:

- a. Describe all sources reviewed or consulted in responding to this request, including but not limited to:
 - i. the names of all individuals consulted;
 - ii. the current job title and job description of each individual consulted;
 - iii. the job title and job description during the period being investigated of each individual consulted;
 - iv. whether each individual consulted is a current or past employee of Respondent;
 - v. the names of all divisions of Respondent for which records were reviewed;
 - vi. the nature of all documents reviewed;
 - vii. the locations where those documents reviewed were kept prior to review; and
 - viii. the location where those documents reviewed are currently kept.
- b. Describe your document retention/destruction policies, procedures and practices at all times relevant to the period under investigation (1945 to present), including an identification of all written documents concerning the policies, procedures and practices.

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c. Identify the custodian(s) of all documents identified in response to the Request for Information and provide copies of all documents identified. For all identified documents that have been destroyed, provide the date the document was destroyed and identify the individual responsible for its destruction.

VIII

6. a. NONE

B. ALBERT DUMONT
1 RATHBUN WILLARD DR
ATTLEBORO, MA 02703

C. NONE

7. a

I. NONE

II. NONE

III. NONE

IV. NONE

V. NONE

VI. NONE

VII. NONE

VIII. NONE

b. NONE

c. ANY AND ALL DOCUMENTS WOULD NOW BE UNDER THE
CONTROL OF WASTE MANAGEMENT

Shpack Landfill Superfund Site

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The following form of declaration must accompany all information submitted by Respondent in response to the Information Request:

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of

DAVID J. BRASKI and that the foregoing is complete, true, and correct.
Respondent

Executed on 3-20, 2006


Signature

DAVID J. BRASKI
Type Name

Title [if any]

Attachment I



November 30, 1990

Merrill S. Hohman, Director
Waste Management Division
United States Environmental Protection Agency
Region 1
J.F. Kennedy Federal Building
Boston, Massachusetts 02203-2211

Dear Sir:

The following are amended responses to the Information Request provided to Swank Incorporated on January 12, 1990, pursuant to Section 104 of CERCLA for Shpack Landfill Superfund Site in Norton and Attleboro, Massachusetts:

1. Raymond J. Hill, Senior Vice-President/Operations
David H. Miller, Vice-President/Quality Control and
Environmental Affairs
2. The following personnel were consulted in the preparation of these responses. Where a specific individual provided significant input with respect to a given response, his name is noted.

Mr. Raymond J. Hill, Senior Vice-President/Operations
Mr. Robert Best, Director/Purchasing (Retired)
Mr. James Hall, Director/Purchasing (Current)
Mr. Donald Coelho, Supervisor/Maintenance (Current)
Mr. Edward Fuller, Supervisor/Maintenance (Retired)
Mr. Larry Governo, Maintenance Worker (Retired)
Mr. Gordon Buckley, Maintenance Worker (Current)

3. Due to the length of time which has passed since the period in question, no written documentation is available other than materials previously provided. Additional information which forms the basis for the answers here provided was obtained from interviews with individuals pertaining to events which occurred during the relevant time period.

4. EPA Identification # MAD 001202340

5. Swank has extremely limited information pertaining to the operations of the Shpack site. Presumably, responsibility for releases at the site rests with the owner/operators.

a. Swank was not in a position to take precautions against the acts of third parties concerning the operations at the site.

b. Swank was not an owner or operator of the site, and therefore had neither the obligation nor the ability to control the care of wastes disposed of at the site. At all relevant times it was the understanding of Swank's employees that waste disposed of at the Shpack site was handled in an appropriate and lawful manner.

6. Current or former owner/operators of the Site.

7. Mr. Ed Fuller, Mr. Larry Governo, Mr. Donald Coelho, and Mr. Gordon Buckley, as listed above.

8. No response required.

9. In addition to Swank, Incorporated, and the other parties already identified as potential users of the site, employees (Mr. Governo Mr. Coelho) recall seeing vehicles and employees of the following companies delivering waste to the site: L.G. Balfour Company, The Robbins Company and Leavens Awards Company, Inc.

The responses below relate only to the activities of Swank, Incorporated:

a. The owner of the site at the time in question, Mr. Isadore Shpack.

b. No specific arrangements for hazardous materials were made for disposal at the Shpack dump site. However, during a period of time estimated to be three to six months during 1955, Swank Incorporated did utilize this site for the disposal of general refuse.

c. During the time period in question, Swank, Incorporated operated four degreasers, three "small" ones and one "large" one. The "large" unit was a Detrex Model 1DCR-750-1S, size R-1, which is still on-site, but not in service; one of the "small" units was a Mechanical Process Company open top unit with an approximate capacity of one hundred gallons, which is still in use. The other two "small" units were removed several years ago and no identification is available. It was routine practice to clean out one of the small degreasers per week, and dispose of any accumulated sludge or "still bottoms" in the trash. This amounted to an estimated one gallon of sludge per week in total. The large unit was shut down and cleaned out on an annual basis. It is not believed that this unit was cleaned out during the time period in question.

The material which may have been disposed of included "still bottoms" consisting of a mixture of trichloroethylene (CAS # 79016) and oil and/or polishing compound solids (waxes, animal fats, and abrasives). The total volume was approximately one gallon of sludge per week for an estimated twenty weeks. [Gordon Buckley]

Recent analyses by the solvent recycler currently handling similar still bottoms shows them to average approximately forty-eight per cent trichloroethylene.

d. The material shipped to the site consisted of approximately six cubic yards of general trash (paper, boxes, etc.) daily for each day of operation of the facility (five days per week). [Donald Coelho]

e. The owner of the material was Swank, Incorporated.

f. No testing was performed on any of the materials sent. (The still bottoms which may have been included with the general trash were not considered hazardous material at the time; therefore, no specific testing was required).

g. The precise locations are unknown. General trash was deposited in various locations at the direction of the site owner/manager. [Mr. Larry Governol].

h. Truck driver disposed of trash as directed by the site owner/manager. [Mr. Larry Governol].

i. Site was selected by the Supervisor of Maintenance responsible for trash removal, Mr. Ed Fuller.

j. No fees were paid for trash disposal.

k. The material in question was not considered hazardous at the time of disposal. Therefore, no special arrangements were deemed necessary, nor were any made.

l. None. Material was shipped directly from Swank plant site to the Shpack site in a company-owned truck.

m. Unknown.

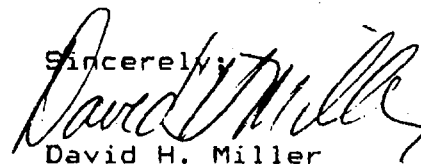
n. Unknown.

o. No measures were taken since the materials disposed of were not classified hazardous at the time of disposal.

p. No special containers or markings were used since the material was not considered hazardous or known to be regulated. The material would have been mixed in with other normal trash.

The information requested in Questions 10-16 have been previously provided under separate cover.

Sincerely,

A handwritten signature in cursive script, appearing to read "David H. Miller". The signature is written in dark ink and is positioned above the printed name.

David H. Miller

RESPONSES - SHPACK DUMP SITE

QUESTION 10.

"Identify all liability insurance policies held by Respondent from 1946 to 1989. In identifying such policies, state:

- a. the name and address of each insurer and of the insured;
- b. the amount of coverage under each policy;
- c. the commencement and expiration dates for each policy;
- d. whether or not the policy contains a "pollution exclusion" clause; and
- e. whether or not the policy covers sudden, non-sudden or both types of accidents.

In lieu of providing this information, you may submit complete copies of all insurance policies that may cover the release or threatened release of hazardous materials."

RESPONSE:

See attached separate listing.

QUESTION 11.

"Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years."

RESPONSE:

Copies of Form 1120 of Federal Income Tax returns filed with the Internal Revenue Service for the years 1988, 1987, 1986, 1985 and 1984 are enclosed. An extension was properly filed for the year 1989.

QUESTIONS 12.

"Provide all financial statements for the past five fiscal years, including but not limited to those filed with the federal and state Internal Revenue Service and Securities and Exchange Commission."

RESPONSE:

Annual reports and Form 10-K are enclosed for the years 1989, 1988, 1987, 1986 and 1985.

QUESTION 13.

"Identify all of Respondent's current assets and liabilities and the person(s) who currently own or are responsible for such assets and liabilities."

RESPONSE:

Refer to financial statements.

QUESTION 14.

"Identify all subsidiaries and parent corporations of Respondent."

RESPONSE:

Subsidiaries are:

Haiti:

Releve Accessories, S.A.

Leather Concepts, S.A.

Virgin Islands:

Swank Sales International (V.I.), Inc.

QUESTION 15.

"Provide a copy of the most current Articles of Incorporation and By-laws of Respondent."

RESPONSE:

A copy of the By-Laws and Certificate of Incorporation are enclosed.

QUESTION 16.

"Identify the managers and majority shareholders of Respondent and the nature of their management duties or amount of shares held, respectively".

RESPONSE:

See attached listing.

MISC:1372

7/11/90

SWANK, INC.
6 HAZEL STREET
ATTLEBORO, MA 02703

<u>INSURANCE</u>	<u>TYPE OF POLICY</u>	<u>POLICY TERM & POLICY NUMBER</u>	<u>POLICY LIMITS</u>	<u>POLLUTION COVERAGE</u>	
				<u>GRADUAL</u>	<u>ACCIDENTAL</u>
Travelers Ins. Co.	CGL & Umbrella (?)	1/1/46-79	Records not available		
Travelers Ins. Co. One Tower Square Hartford, CT.	Comprehensive General Liability (CGL)	1/1/79-80 TRSLG-137T760-1	\$500,000. each occurrence \$500,000. aggregate Bodily Injury \$100,000. each occurrence \$100,000. aggregate Property Damage	No	Yes
Same	CGL	1/1/80-81 Same	Same	No	Yes
Same	CGL	1/1/81-82 Same	Same	No	Yes
Same	CGL	1/1/82-83 Same	Same	No	Yes
Same	CGL	1/1/84-85 Same	Same	No	No
Same	CGL	1/1/85-86 Same	Same	No	No
Kemper Group Route 22 Long Grove, Ill.	CGL	1/1/86-87 3YM048116-00	\$1,000,000. Combined Single Limit	No	No
Same	CGL	1/1/87-88 Same	Same	No	No
Travelers Ins. Co.	CGL	1/1/88-89 URJSLG581G104-8	Same	No	No

RESPONSE TO QUESTION 10.

<u>INSURANCE</u>	<u>TYPE OF POLICY</u>	<u>POLICY TERM & POLICY NUMBER</u>	<u>POLICY LIMITS</u>	<u>POLLUTION COVERAGE</u>	
				<u>GRADUAL</u>	<u>ACCIDENTAL</u>
Travelers Ins. Co.	CGL	1/1/89-90 URJSLG581G104-8	\$ 1,000,000. Combined Single Limit	No	No
Affiliated FM Ins.Co. P.O. Box 7500 Johnston, R.I.	Umbrella Liability	1/1/78-79 97809	\$ 5,000,000.	No	Yes
Same	Umbrella Liability	1/1/79-80 98371	Same	No	Yes
St.Paul Ins. Co. St.Paul, Minnesota	Umbrella Liability	1/1/80-81 569XE3591	\$10,000,000.	No	Yes
Travelers Ins. Co. One Tower Square Hartford, Ct.	Umbrella Liability	1/1/81-82 T-CUP173T377-7	Same	No	Yes
Same	Umbrella Liability	1/1/82-83 Same	Same	No	Yes
Same	Umbrella Liability	1/1/83-84 Same	Same	No	No
Same	Umbrella Liability	1/1/84-85 Same	Same	No	No
Same	Umbrella Liability	1/1/85-86 Same	Same	No	No
International Ins.Co. 200 S. Wacker Dr. Chicago, Ill.	Umbrella Liability	1/1/86-87 523-425349	\$ 5,000,000.	No	No
Kemper Group Route 22 Long Grove, Ill.	Umbrella Liability	1/1/87-88	\$ 9,000,000.	No	No
Travelers Ins. Co.	Umbrella Liability	1/1/88-89	\$10,000,000.	No	No
Same	Umbrella Liability	1/1/89-90	Same	No	No

INSURANCE	TYPE OF POLICY	POLICY TERM & POLICY NUMBER	POLICY LIMITS	POLLUTION COVERAGE	
				GRADUAL	ACCIDENTAL
Travelers Ins. Co. One Tower Square Hartford, CT.	Environmental Hazard Policy	1/1/83-84 TLEH186T7743	\$4,200,000. each claim \$4,200,000. Total All Claims \$1,400,000. Total Limit All Claim Expense \$5,600,000. Combined Total Limit Claim & Expense	Yes	Yes
Same	Environmental Hazard Policy	1/1/84-85 Same	Same	Yes	Yes
Same	Environmental Hazard Policy	1/1/85-86 Same	\$1,500,000. each claim \$1,500,000. all claims \$ 500,000. all expense \$2,000,000. combined total limit claim & expense	Yes	Yes

Attachment J

file
SWANK, INC.

6 HAZEL STREET
P. O. BOX 839 - ATTLEBORO, MASS. 02703
508-222-3400

OFFICE OF
SENIOR VICE PRESIDENT

December 19, 1990

Mr. Eric Ellison
Account Manager
The Travelers Insurance Company
One Tower Square
Hartford, CT 08103-1052

RE: Swank, Inc. - Shpack Superfund Site

Dear Mr. Ellison:

Your letter of August 7, 1990, re: United States Environmental Protection Agency (USEPA), Potentially Responsible Party (PRP) Letters of June 7 and June 10, 1990, contains on pages 7 and 8, a series of eleven questions. Listed below are Swank's responses which have been prepared to the best of our ability to reconstruct the information requested. Little, if any, written documentation is available.

The responses are numbered to correspond with the questions:

1. Numerous companies generated waste materials which were disposed of at Shpack. Swank does not have information pertaining to all of these facilities. As to Swank, the information is as follows:

Swank, Incorporated
6 Hazel Street
Attleboro, Massachusetts 02703

EPA #MAD 0012022340

During a period of time estimated to be three to six months during 1955, Swank Incorporated utilized this site for the disposal of general refuse.

2. Not available.
3. Not available. Since the material disposed of was not considered a hazardous waste during the time frame in question, Swank, Incorporated made no such filings with federal, state or local authorities.

December 19, 1990

4. Mr. Robert Best, Director/Purchasing (Retired)
Last known address:
20 Veery Road
Attleboro, Massachusetts 02703

Mr. Edison Fuller, Supervisor/Maintenance (Retired)
Last known address:
15 Eel River Road
South Chatham, Massachusetts 02659
5. The majority of the material disposed of at Shpack by Swank was normal trash. The material which may have been disposed of included "still bottoms" consisting of a mixture of trichloroethylene (CAS #79016) and oil and/or polishing compound solids (waxes, animal fats, and abrasives). The total volume was approximately one gallon of sludge per week for an estimated twenty weeks. Recent analyses by the solvent recycler currently handling similar still bottoms shows them to average approximately forty-eight per cent trichloroethylene.
6. The material was shipped directly from the Swank plant site to the Shpack site in a company-owned truck. No outside transporters were utilized.
7. See #6 above.
8. Swank, Incorporated selected the site to be utilized on the premise that all materials being disposed of were common trash. No unusual measures were taken since none of the materials disposed of were classified as hazardous at the time of disposal. Swank's understanding at the time was that the trash was acceptable as fill material and that it would be used as such.
9. No specific measures were taken at the time since the materials disposed of were not classified as hazardous and were considered normal trash.
10. No hazardous material transporter was utilized for this material either immediately prior to or after hauling this material to the Shpack dump.

MR. ERIC ELLISON
Page 3

December 19, 1990

11. The Company first became aware of the problem in June 1990, through the United States Environmental Protection Agency Potentially Responsible Party (US EPA PRP) letters referenced in your letter. Ms. Patricia L. Truscelli of Parker Chapin Flattau & Klimpl is representing Swank, Incorporated in all negotiations with the US EPA, and the PRP group. Ms. Truscelli will provide all pertinent documentation on an on-going basis.

Sincerely,

/S/ A. C. CORSINI

Andrew C. Corsini
Senior Vice President-
Treasurer

ACC2:972/85

bcc: David Miller

Attachment K



JAN 14 1991
Special Liability Coverage Unit
Law Department

The Travelers Companies
One Tower Square
Hartford, CT 06183-1052
Facsimile: 203 954-5857
Telephone: 203 954-5853

January 8, 1991

Mr. Andrew C. Corsini
Senior Vice President-Treasurer
Swank, Inc.
6 Hazel Street
P.O. Box 839
Attleboro, MA 02703

Policyholder: Swank, Inc.
Site: Shpack-Attleboro and Norton, MA
Re: United States Environmental Protection Agency
(USEPA), Potentially Responsible Party (PRP)
Letters of June 7 and June 10, 1990

Dear Mr. Corsini:

This will acknowledge receipt and review of your December 19, 1990 letter by the Special Liability Coverage Unit (SLCU) of The Travelers.

I would appreciate it if you could provide the following additional information:

1. You identified Mr. Best and Mr. Fuller as retired Swank employees who were responsible for the disposition of the chemicals disposed at the Shpack landfill. Would Swank object to these individuals being interviewed by SLCU personnel?
2. Please advise of how you established that TCE "still bottoms" may have been disposed of at the landfill. What were the manufacturing processes which generated these wastes? You stated that company vehicles transported this waste to the Shpack landfill. How were these wastes containered for transport and how were they disposed of at the landfill?
3. You advised that disposals took place during a three to six month period in 1955. Since The Travelers did not begin to insure Swank, Inc. until January 1, 1971, please advise of

Mr. Andrew C. Corsini
January 8, 1991
Page 2

the other insurance carriers whose policies may apply to this matter from 1955 to 1971. Please provide me with the name, address, file number and representative of the carrier(s) notified.

Please be advised that The Travelers fully reserves its rights in this matter, and that neither this correspondence nor any future communication or investigation shall be construed as a waiver of any of the rights and defenses available to The Travelers, including those rights and defenses provided under its contract(s) of insurance, including those as specified in my letter of August 7, 1990 to you.

If you have any questions in relation to this letter, please contact me at (203) 954-2958.

Very truly yours,



Eric L. Ellison
Account Manager
SLCU/Law, 6 PB

lc/ele409

Attachment L



8 HAZEL STREET
P. O. BOX 839 - ATTLEBORO, MASS. 02703
508-222-3400

OFFICE OF
SENIOR VICE PRESIDENT

January 24, 1991

Mr. Eric L. Ellison
Account Manager
SLCU/Law, 6PB
The Travelers
One Tower Square
Hartford, CT 06183-1052

RE: Swank, Inc. - Shpack - Attleboro and Norton, MA
United States Environmental Protection Agency
(UPEPA), Potentially Responsible Party (PRP)
Letters of June 7 and June 10, 1990

Dear Mr. Ellison:

I wish to acknowledge your letter of January 8, 1991 with a list of three questions. The responses are numbered to correspond with your questions:

1. Swank would not object to Messrs. Best and Fuller being interviewed by SLCU personnel, assuming Swank personnel or legal representative would be present. Of course, Swank reserves its right to limit the scope of the investigation if necessary.
2. It was established that still bottoms "may" have been disposed of through the personal recollection of employees (both active and retired) who were working at Swank, Inc. during the period in question. Early, non-specific information from the EPA indicated Swank was a "potentially responsible party" for arranging for "the disposal of hazardous substances including degreasing solvents at the site" (see Administrative Order by Consent for Remedial Investigation/Feasibility Study, US EPA Docket No. I-90-1113, undated; and related documents). Based on this citation, employees were interviewed to determine what substances, especially "degreasing solvents", may have been disposed of by any means during the period in 1955 when the Shpack landfill was used by Swank. It was further determined that no bulk quantities of any solvent would have been disposed of at the Shpack site. The only degreasing solvent related material which may have been disposed of were "still bottoms". It is

January 24, 1991

common practice to re-distill various solvents, including various degreasing fluids, on-site for reuse. This process yields a reusable solvent and a concentrated sludge or "still bottom". This sludge consists of a mixture of a small amount of residual solvent, along with the grease and oils which were removed from the parts processed through the degreaser(s) serviced by the still.

The sludge or "still bottom" was not classified as "hazardous" by any regulatory agency at the time. Therefore, it was common practice to routinely (weekly) clean out the still, and put the sludge in a box or pail, which was then thrown in with other normal trash. This trash was disposed of for a short period of time in 1955 at the Shpack landfill.

The processes which generated this waste were a variety of stamping, drawing, and machining operations in place at Swank at the time. These types of common metal forming operations typically require that a lubricant (a form of various oils or greases) be applied to the metal being formed or worked. After the forming operation is completed, these lubricants must be removed. This is accomplished through "solvent degreasing" in a "solvent degreaser". This process utilizes a solvent which removes the oil from the part, leaving the part clean for further processing. The oil is retained within the solvent, and is ultimately removed through distillation in a still.

All trash was removed from the Swank facility by means of a company owned truck. Trash was loaded on the truck daily. The still bottoms, which were generated weekly, would have been mixed in with all other trash generated on the same day. It would have been "containerized" in any convenient container, generally a pail, since it was in a semi-liquid state.

All trash was disposed at the landfill as directed by the landfill operator.

ERIC L. ELLISON
Page 3

January 24, 1991

3. You indicate that the Travelers did not begin to insure Swank until January 1, 1971. I would like to advise that your information is in error. We have been using a local insurance broker who represents Travelers by the name of Richardson-Cuddy. The former firm name was H.K. & O. P. Richardson, Inc. Mr. Cuddy, the present owner, was an employee of Travelers, Inc. and has personal knowledge of being involved with Swank from 1963 to the present date. The predecessor, Mr. Roger Richardson and the prior owner of H.K. & O.P. Richardson, Inc., can personally attest that Swank was insured with Travelers as far back as 1945 and most likely, to the date of incorporation (1936). As I don't know the source of your information. I can only offer the above from the reputable sources of a former employee and broker-agents.

If you have further questions regarding these responses, do not hesitate to contact me.

Sincerely,

Andrew C. Corsini
Senior Vice President-
Treasurer

ACC2:b69

cc: Mr. Thomas Cuddy,
Richardson-Cuddy Insurance Agency, Inc.

bcc: Dave Miller
Patricia Truscelli

Attachment M



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS ST., SUITE 1100
BOSTON, MA 02114-2023

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

June 28, 2005

Ms. Lee Henig-Elona
Troutman Sanders LLP
Re: Swank, Inc.
The Chrysler Building
405 Lexington Avenue
New York, NY 10174

SHPACK
11.9
237524

Re: Request for Information Pursuant to Section 104 of CERCLA for the Shpack Landfill Superfund Site

Dear Ms. Henig-Elona:

This letter seeks your cooperation in providing information and documents relating to the environmental conditions at, and cleanup of, the Shpack Landfill Superfund Site in Norton and Attleboro, Massachusetts ("Site").

The United States Environmental Protection Agency ("EPA") is investigating the release or threatened release of hazardous substances, pollutants, and contaminants at the Site. This investigation includes an inquiry into the identification, nature, source, and quantity of materials transported to or generated, treated, stored, or disposed of at the Site. EPA is also seeking information concerning those persons responsible for the cleanup of the Site and their ability to undertake or finance that cleanup.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e), Swank, Inc. is hereby requested to respond to the Information Request set forth in the Enclosure to this letter.

While EPA seeks your voluntary cooperation in this investigation, compliance with the Information Request is required by law. Failure to provide a complete truthful response to this Information Request within thirty (30) days of your receipt of this letter, or to adequately justify such failure to respond, may subject you to an enforcement action by EPA pursuant to Section 104(e) of CERCLA. This provision permits EPA to seek the imposition of penalties of up to thirty-two thousand five hundred dollars (\$32,500) for each day of non-compliance.

Please note that responses which are incomplete, ambiguous, or evasive will be treated as complete non-compliance with this Information Request. Also be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal

penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Barbara O'Toole (HBS)
Search & Cost Recovery Section
Office of Site Remediation & Restoration
1 Congress Street, Suite 1100
Boston, MA 02114-2023

If you have general questions concerning the Site or this Information Request, please contact Melissa Taylor, Remedial Project Manager at (617) 918-1310. If you have any legal questions, please contact Audrey Zucker, Senior Enforcement Counsel, U.S. Environmental Protection Agency, Region 1 Office of Environmental Stewardship, 1 Congress Street (SES), Boston, MA 02114-2023, or at (617) 918-1788.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert', with a stylized, flowing script that extends to the right.

Robert Cianciarulo, Chief
MA Superfund
Office of Site Remediation & Restoration

Enclosure

cc: Audrey Zucker, EPA Office of Environmental Stewardship
Melissa Taylor, EPA Remedial Project Manager
Barbara O'Toole, EPA Search & Cost Recovery

ENCLOSURE A
INFORMATION REQUEST FOR
SHPACK LANDFILL SUPERFUND SITE

* **Period Being Investigated:** *

* **For Dumont Parcel - 1946 through 1965** *

For Shpack Parcel - 1946 through 1975

* *

In addition to the questions which follow, this enclosure includes a declaration, a site description, detailed instructions for responding to this request, and definitions of words such as "Respondent," "Site," "Dumont Parcel", "Shpack Parcel," "identify," and "waste," used in the questions. These materials appear at the end of the questions; please refer to them in answering all questions. Of particular importance:

- Answer each question with respect to the period being investigated identified in each question unless the question indicates otherwise.
- Answer all questions completely in accordance with the definitions and instructions.
- Complete the enclosed declaration.
- For each question, identify all persons and documents relied upon in the preparation of the answer.
- All information provided for which you are making a claim of business confidentiality or which contains personal privacy information should be contained on separate sheets and clearly marked as confidential or private.
- This request imposes a continuing obligation upon you to submit responsive information discovered after your original response is submitted to EPA.

INFORMATION REQUEST QUESTIONS

1. Generators - General: Identify all persons ("Generators"), including you, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials at or to the Dumont Parcel (see Definitions) during the period from 1946 through 1965. In addition, identify:
 - a. The persons with whom the Generators made such arrangements.
 - b. Every date or the approximate dates on which each Generator made such arrangements;
 - c. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous materials involved in each such arrangement;
 - d. In general terms, the nature and quantity of the non-hazardous materials involved in each such arrangements;
 - e. The owners of the hazardous materials involved in each such arrangement;
 - f. All tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions;
 - g. The precise location at which each hazardous material involved in such transactions actually was disposed or treated;
 - h. Who selected the Dumont Parcel as the location at which hazardous materials were to be disposed or treated;
 - i. What was done to the hazardous materials once they were brought to the Dumont Parcel;
 - j. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.
2. Generators - General: Identify all Generators, including you, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials at or to the Shpack Parcel (see Definitions). In addition, identify:
 - a. The persons with whom the Generators made such arrangements.
 - b. Every date or the approximate dates on which each Generator made such

arrangements;

- c. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous materials involved in each such arrangement;
- d. In general terms, the nature and quantity of the non-hazardous materials involved in each such arrangements;
- e. The owners of the hazardous materials involved in each such arrangement;
- f. All tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions;
- g. The precise location at which each hazardous material involved in such transactions actually was disposed or treated;
- h. Who selected the Shpack Parcel as the location at which hazardous materials were to be disposed or treated;
- i. What was done to the hazardous materials once they were brought to the Shpack Parcel;
- j. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.

3. Respondent's Operations:

NOTE: All parts of Question 3 should be answered with respect to the years 1946 through 1975.

- a. Provide the complete addresses of Respondent's plants and other buildings or structures where Respondent carried out its operations, excluding those locations where only clerical/office work was performed, within 25 miles of the Site..
Unless otherwise indicated, all of the following questions in this Request for Information refer to these operations.¹
- b. Provide a brief description of the nature of Respondent's operations at each location including:

¹ If the Respondent has more than three separate places of business in this area, please contact the EPA representative listed in the text of the cover letter to determine the appropriate scope of your response.

- i. the date such operations commenced and concluded; and
 - ii. the types of work performed, including but not limited to the industrial, chemical, or institutional processes undertaken.
- c. If the nature or size of Respondent's operations changed over time, describe those changes and the dates they occurred.
- d. List the products Respondent manufactured, recycled, recovered, treated, or otherwise processed in these operations.
- e. In general terms, list the types of raw materials used in Respondent's operations.
- f. Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:
 - i. the types of materials used to clean/maintain this equipment/machinery; and
 - ii. the monthly or annual quantity of each such material used.
- g. Describe the methods used to clean up spills of liquid or solid materials during Respondent's operation, including but not limited to:
 - i. the types of materials spilled in Respondent's operations;
 - ii. the materials used to clean up those spills;
 - iii. the methods used to clean up those spills; and
 - iv. where the materials used to clean up those spills were disposed of.

4. Respondent's Wastes and Waste Streams (including By-Products) (1946 through 1965):

NOTE: All parts of Question 4 should be answered with respect to the years 1946 through 1965, and with respect to each of Respondent's facilities identified in your response to Question 3.

- a. Complete the enclosed "Information Request Waste Survey for 1946 through 1965," checking each substance present in Respondent's wastes or by-products and providing all requested information for each such substance that is checked.
- b. Identify (see Definitions) the person(s) responsible for collecting and managing each type of waste.
- c. Describe how each type of waste was collected and stored at Respondent's operation prior to disposal/recycling/sale/transport, including:
 - i. the type of container in which each type of waste was placed/stored; and
 - ii. where each type of waste was collected/stored.

5. Answer all parts of Question 4 with respect to the years 1966 through 1975, and complete the enclosed "Information Request Waste Survey for 1966 through 1975."
6. Respondent's Disposal/Treatment/Storage/Recycling/Sale of Waste (including By-Products) (1946 through 1965):

NOTE: All parts of Question 6 should be answered with respect to the years 1946 through 1965, and with respect to each of Respondent's facilities identified in your response to Question 3.

ALSO NOTE: Your response to questions in this section must refer to all locations, including but not limited to the Site, to which Respondent sent its wastes.

- a. Describe the containers used to take each type of waste from Respondent's operation, including but not limited to:
- i. the type of container (e.g. 55 gal. drum, dumpster, etc.);
 - ii. the colors of the containers;
 - iii. any distinctive stripes or other markings on those containers;
 - iv. any labels or writing on those containers (including the content of those labels);
 - v. whether those containers were new or used; and
 - vi. if those containers were used, a description of the prior use of the containers.
- b. For each type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling.
- c. Provide copies of such contracts and other documents reflecting such agreements or arrangements.
- d. State where Respondent sent each type of its waste for disposal, treatment, or recycling.
- e. Identify (see Definitions) all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).
- f. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.
- g. For each type of waste specify which Waste Carrier picked it up.
- h. For each type of waste, state how frequently each Waste Carrier picked up such

waste.

- i. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).
- j. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.
- k. Provide copies of all documents containing information responsive to the previous seven questions.
- l. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:
 - i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);
 - ii. names or markings on the vehicles; and
 - iii. the color of such vehicles.
- m. Identify (see Definitions) all of each Waste Carrier's employees who collected Respondent's wastes.
- n. Indicate the ultimate disposal/recycling/treatment location for each type of waste.
- o. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.
- p. Describe how Respondent managed pickups of each waste, including but not limited to:
 - i. the method for inventorying each type of waste;
 - ii. the method for requesting each type of waste to be picked up;
 - iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;
 - iv. the identity of (see Definitions) Respondent's employee who paid the bills; and
 - vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.
- q. Identify (see Definitions) the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.
- r. State the basis for and provide any documents supporting the answer to the previous question.

7. Answer all parts of Question 6 with respect to the years 1966 through 1975.
8. Sources of Information: Identify (see Definitions) all persons, including, but not limited to, current and former employees of the Respondent, who could reasonably be expected to have knowledge or information concerning Respondent's operations and hazardous material handling, storage and disposal practices during the years 1946 through 1975, for all facilities identified in your response to Question 3 above. For each person, state the reasons why such person could be expected to have such knowledge, including the nature and dates of involvement with Respondent or the Site.

9. General Information:

NOTE: All questions in this section refer to the present time unless otherwise indicated.

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent, provide:
 - i. full name;
 - ii. title;
 - iii. business address; and
 - iv. business telephone number and FAX machine number.
- c. Provide the names of all Superfund sites in Region I (New England) for which Respondent has received notification of its potential liability from EPA and the dates of such notification(s).
- d. Provide the names of all Superfund sites in Region I (New England) for which Respondent has received a request for information from EPA.
- e. If Respondent is a corporation, provide:
 - a. the date of incorporation;
 - b. state of incorporation; and
 - c. agent for service of process.
- f. If Respondent is, or was at any time during the period being investigated, a subsidiary of, otherwise owned or controlled by, otherwise affiliated with another corporation or entity, then describe the nature of each such corporate relationship, including but not limited to:
 - a. a general statement of the nature of the relationship;
 - b. the dates such relationship existed;
 - c. the percentage of ownership of Respondent that is held by such other entity; and

- d. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities.
- g. If Respondent no longer exists as the same legal entity it was during the period being investigated because of transactions involving mergers or asset purchases, provide:
 - 1. the title and dates of the transactions and copies of documents that embody the terms of such transactions;
 - 2. the identities of the seller, buyer, and any other parties to such transactions;
 - 3. a brief statement describing the nature of the mergers or asset purchases; and
 - 4. a brief statement describing and copies of documents embodying any/all indemnification agreements.

10. Information About Others

- a. If you have information concerning the operation of the Site or the source, content or quantity of materials placed/disposed at the Site which is not included in the information you have already provided, provide all such information.
- b. If not already included in your response, if you have reason to believe that there may be persons, including, but not limited to, persons currently or formerly employed by Respondent, who are able to provide a more detailed or complete response to any of these questions or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
- c. If not already provided, identify all persons, including Respondent's current and former employees, who have knowledge or information about the generation, use, purchase, treatment, storage, disposal, placement or other handling of materials at, or transportation of materials to, the Site.

11. Compliance with This Request

- a. Describe all sources reviewed or consulted in responding to this request, including but not limited to:
 - i. the names of all individuals consulted;
 - ii. the current job title and job description of each individual consulted;
 - iii. the job title and job description during the period being investigated of each individual consulted;
 - iv. whether each individual consulted is a current or past employee of Respondent;
 - v. the names of all divisions or offices of Respondent for which records were reviewed;

- vi. the nature of all documents reviewed; and
 - vii. the locations where those documents reviewed were kept prior to review;
and
 - viii. the location where those documents reviewed are currently kept.
-
- b. Please produce a copy of all documents which relate to, refer to, or concern any information requested or identified in this Request for Information. For all documents that have been destroyed, provide the date the document was destroyed and identify the individual responsible for its destruction.
 - c. Describe your document retention/destruction policies, procedures and practices at all times relevant to the period under investigation (1945 to present), including an identification of all written documents concerning the policies, procedures and practices.
 - d. Describe all actions taken by Respondent in order to comply with Paragraph 37 (Record Retention) of Administrative Order By Consent for Remedial Investigation/Feasibility Study, EPA Docket No. I-90-1113, which requires, among other things, the retention of all records and documents which "relate in any way to the Site."

ENCLOSURE B:
SHPACK LANDFILL SUPERFUND SITE DESCRIPTION

The Shpack Landfill Superfund Site ("Site") is located in both Norton and Attleboro, Massachusetts. The entire Site comprises approximately 9.4 acres of land, and is located on the Norton/Attleboro, Massachusetts town boundary line, on the southerly side of Union Road in Norton and Peckham Street in Attleboro. The Site includes both the "Shpack Parcel" in Norton and the "Dumont Parcel" in Attleboro, as described below.

Shpack Parcel. Approximately 6.0 acres of the Site are situated in Norton on land formerly owned by Lea Shpack and Isadore Shpack that is currently owned by the Town of Norton. This portion of the Site is bounded by Union Road and the former Shpack residence to the northwest, Chartley Swamp to the east/southeast, and the Norton-Attleboro town line to the south/southwest. This portion of the Site may also be described as a portion of Lot No. 2 on the Norton Tax Assessors Map No. 26. (The 6.0 acre portion of the Site is referred to herein as the "Shpack Parcel.")

Dumont Parcel. Approximately 3.4 acres of the Site are located in Attleboro, on land formerly owned by Albert Dumont that is currently owned by Attleboro Landfill, Inc. ("ALI"), which is also described as Lot No. 4A on Plat No. 209 of the Attleboro Assessors Office. This portion of the Site is roughly triangular in shape and consists approximately of the area bounded by Peckham Street to the north/northwest, the Attleboro-Norton town line to the east/northeast, and a line between Peckham Street and the Attleboro-Norton town line, slightly to the north of, and roughly parallel to, the southern edge of the New England Power Company easement ("Powerline Easement"). The Powerline Easement is shown in the Bristol County, Northern Division Registry of Deeds, Plan Book No. 82, Page 25, and is also shown on the aforementioned tax assessment maps. This 3.4 acre parcel is also a portion of the approximately 55-acre Attleboro Landfill property. (The 3.4 acre portion of the Site is referred to herein as the "Dumont Parcel.")

Historically, the entire Site has been used as a dump for the disposal of industrial and domestic waste. The Dumont Parcel received waste and was operated as an open burning dump for the City of Attleboro from approximately 1946 through 1965, when the Town of Norton sought an order to ban the burning of waste. The Shpack Parcel received waste from approximately 1946 through 1975. Bulldozers would periodically level the land on the Dumont Parcel without strict adherence to property boundaries. As a result, wastes originally disposed on each of the two contiguous parcels were commingled.

The Site was proposed for inclusion on the National Priorities List ("NPL") in October, 1984 and was listed on the NPL in June, 1986. Contaminants found at the Site include volatile organic compounds ("VOCs"), semi-volatile organic compounds ("SVOCs") and polychlorinated biphenyls ("PCBs"), as well as heavy metals and radiological compounds. EPA issued a Remedial Investigation/Feasibility Study for the Site in June 2004. On September 30, 2004, EPA issued its remedial action decision for the Site which is embodied in the Record of Decision. A copy of the Record of Decision (which includes a map of the Site) is found at:

<http://www.epa.gov/region01/superfund/sites/shpack/214530.pdf>

INFORMATION REQUEST INSTRUCTIONS

1. Answer Every Question Completely. You are required to provide a separate answer to each and every question and subpart of a question set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.
2. Number Each Answer. Number each answer with the number of the question to which it corresponds.
3. Provide Information about the Period Being Investigated. You are required to answer each question with respect to the period being investigated, unless the question specifically states otherwise. If the response fails to address the period being investigated, EPA will consider this a failure to comply with the request and may take action against you for this noncompliance.
4. Provide the Best Information Available. You must provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Submit Documents with Labels Keyed to Question. For each document produced in response to this Information Request, indicate on the document (or in some other reasonable manner) the number of the question to which it responds.
7. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA. Failure to supplement your response within 30 days of discovering such responsive information may subject you to \$32,500 per day penalties. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.
8. Complete the Enclosed Declaration. You are required to complete the enclosed declaration which certifies that the information you are providing in response to this Information Request is true, accurate, and complete.
9. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a

confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." Personal financial information, including individual tax returns, may also be claimed as confidential. In addition, please note that you bear the burden of substantiating your confidentiality claim. Your claim of confidentiality should be supported by the submission of information supporting such a claim; the type of information to be submitted is set out in 40 C.F.R. Part 2. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.** You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

10. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors listed in the attached EPA Contractor List for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

11. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information." You should note however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you. (Please see Instruction 9 for information concerning treatment of individual tax returns.)

12. Objections to Questions. While the Respondent may indicate that it objects to certain questions in this Information Request, it must provide responsive information notwithstanding those objections. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.

13. Claims of Privilege. If you claim that any document responsive to this Information Request is a communication for which you assert that a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.

EPA CONTRACTOR LIST

Updated March 24, 2005

CONTRACTOR

CONTRACT NUMBER

Arctic Slope Regional Corp.(ASRC) Aerospace
Effective: 9/5/02

Contract No.: 68-R1-02-01

Booz, Allen & Hamilton
Effective: 01/01/04
Effective: 12/30/98

EPA IAG No. DW-47-94028501-3
GSA Contract No.:
GS00T96AHD0002

TechLaw, Inc.
Effective: Effective July 12, 1999

GSA Contract No.: GS-10F-0168J

James Kerr and Associates, LLC
Effective 9/04/2003

INFORMATION REQUEST DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. Section 9601 et seq., RCRA, 42 U.S.C. Section 6901 et seq., or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "you" or "Respondent" shall mean Swank, Inc., its officers, managers, employees, contractors, trustees, successors, assigns, and agents, and any predecessor or successor corporations or companies.

2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include but not be limited to:

- (a) writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including (by way of illustration and not by way of limitation) any of the following:
 - 1. invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order;
 - 2. letter, correspondence, fax, telegram, telex, Email;
 - 3. minutes, memorandum of meetings and telephone and other conversations, telephone messages;
 - 4. agreement, contract, and the like;
 - 5. log book, diary, calendar, desk pad, journal;
 - 6. bulletin, circular, form, pamphlet, statement;
 - 7. report, notice, analysis, notebook;
 - 8. graph or chart; or
 - 9. copy of any document.
- (b) microfilm or other film record, photograph, or sound recording on any type of device;
- (c) any tape, disc, or other type of memory generally associated with computers and data processing, together with:
 - 1. the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory; and
 - 2. printouts of such punch card, disc, or disc pack, tape or other type of memory; and
- (d) attachments to or enclosures with any document as well as any document referred

to in any other document.

3. The term "identify" or "provide the identity of" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with job title, position or business; and (d) the person's social security number.
4. The term "identify" or "provide the identity of" means, with respect to a corporation, partnership, business trust, government office or division, or other entity (including a sole proprietorship), to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g. corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
5. The term "identify" or "provide the identity of" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressor, addressee and/or recipient; (e) and a summary of the substance or the subject matter. Alternatively, Respondent may provide a copy of the document.
6. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
7. The terms "the period being investigated" and "the relevant time period" shall mean the period being investigated for either the Dumont Parcel and/or the Shpack Parcel as specified on the first page of the Information Request Questions.
8. The terms "the Site" or "the facility" shall mean and include the property on or about the approximately 9.4 acres of land in Norton and Attleboro, Massachusetts currently identified by EPA as the Shpack Landfill Superfund Site, which is more fully described in the enclosed Site Description.
9. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, radiological materials, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
10. The term "Shpack Parcel" shall mean and include the portion of the Site that is located on or about approximately 6.0 acres of land in Norton, Massachusetts, and is more fully described in the enclosed Site Description.
11. The term "Dumont Parcel" shall mean and include the portion of the Site that is located on or about approximately 3.4 acres of land in Attleboro, Massachusetts, and is more fully described in the enclosed Site Description.

END OF THE INFORMATION REQUEST
THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

Information Request Waste Survey for 1946 through 1965
for the Shpack Landfill Superfund Site

Name of Respondent: _____ Respondent's Location: _____ Date: _____

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
	Acids				
	Adhesives				
	Asbestos				
	Adsorbents (from spills, leaks, etc.)				
	Automotive Related Wastes:				
	Antifreeze				
	Batteries				
	Brake Fluids				
	Degreasers				
	Lubricants				
	Oils				
	Oil Filters				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
	Transmission fluids				
	other:				
	Batteries				
	Bleaches				
	Caustics/Alkalis				
	Chemicals				
	Cleaning compounds or fluids				
	Coolants				
	Degreasers				
	Disinfectants				
	Distillation Byproducts (Still Bottoms)				
	Dyes				
	Etching Solutions				
	Filters				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
	Flammable, Reactive, or Explosive Materials				
	Fungicides				
	Herbicides				
	Insecticides				
	Insulating/Fire Proofing Materials				
	Laboratory Wastes				
	Lubricants				
	Metals:				
	grindings				
	powders				
	shavings				
	sludges				
	solutions				
	other:				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
	Paint and Coating Wastes:				
	paint				
	pigments				
	stripper				
	stains				
	thinner				
	turpentine				
	varnish				
	other:				
	PCBs (polychlorinated biphenyls)				
	Pesticides				
	Photocopying Wastes:				
	toners				
	other:				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965) •

Name of Respondent: _____ Respondent's Location: _____ Date: _____

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Photography Wastes:				
developers				
fixers				
other:				
Plating Solutions				
Pretreatment Sludges/Solutions (sewage)				
Printing Wastes:				
inks				
dyes				
other:				
Rags, Used (Indicate prior use)				
Rodenticides				
Septic System Wastes				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
	Sludges				
	Soldering Solutions				
	Solutions of Polymers, resins, plastics				
	Solvent Extracts				
	Solvents				
	Waste Oils				
	Wood Preservatives				
	Radioactive Materials:				
	Uranium				
	Radium				
	Other:				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

[illegible]

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

Information Request Waste Survey for 1966 through 1975
for the Shpack Landfill Superfund Site

Name of Respondent: _____ Respondent's Location: _____ Date: _____

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
	Acids				
	Adhesives				
	Asbestos				
	Adsorbents (from spills, leaks, etc.)				
	Automotive Related Wastes:				
	Antifreeze				
	Batteries				
	Brake Fluids				
	Degreasers				
	Lubricants				
	Oils				
	Oil Filters				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
	Transmission fluids				
	other:				
	Batteries				
	Bleaches				
	Caustics/Alkalis				
	Chemicals				
	Cleaning compounds or fluids				
	Coolants				
	Degreasers				
	Disinfectants				
	Distillation Byproducts (Still Bottoms)				
	Dyes				
	Etching Solutions				
	Filters				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
	Flammable, Reactive, or Explosive Materials				
	Fungicides				
	Herbicides				
	Insecticides				
	Insulating/Fire Proofing Materials				
	Laboratory Wastes				
	Lubricants				
	Metals:				
	grindings				
	powders				
	shavings				
	sludges				
	solutions				
	other:				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
	Paint and Coating Wastes:				
	paint				
	pigments				
	stripper				
	stains				
	thinner				
	turpentine				
	varnish				
	other:				
	PCBs (polychlorinated biphenyls)				
	Pesticides				
	Photocopying Wastes:				
	toners				
	other:				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Photography Wastes:				
developers				
fixers				
other:				
Plating Solutions				
Pretreatment Sludges/Solutions (sewage)				
Printing Wastes:				
inks				
dyes				
other:				
Rags, Used (Indicate prior use)				
Rodenticides				
Septic System Wastes				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO ₃ , Tetrahydrofuran/C ₄ H ₈ O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
	Sludges				
	Soldering Solutions				
	Solutions of Polymers, resins, plastics				
	Solvent Extracts				
	Solvents				
	Waste Oils				
	Wood Preservatives				
	Radioactive Materials:				
	Uranium				
	Radium				
	Other:				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: _____ Respondent's Location: _____ Date: _____

[illegible]

UNITED STATES POSTAL SERVICE



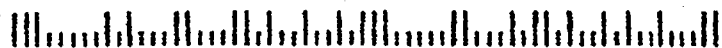
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Ms. Barbara O'Toole
US EPA - HBS
One Congress Street
Boston, MA 02114-2023

Handwritten initials: HBS

11



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mrs Lee Henig - Elona
Troutman Sanders LLP
The Chrysler Building
405 Lexington Avenue
New York, NY 10174

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *R Mitehell*

☐ Agent☐ Addressee

B. Received by (Printed Name)

R Mitehell

C. Date of Delivery

6/20/05

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Article

Transit

For

102595-02-M-0835

7002 0860 0000 6593 0800

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

6/28/05

Postmark
Here

SHACK

Sent To *Ms. Lee Henig-Etowa*
Troutman Sanders LLP
 Street, Apt. No.; Rm *SWANK*
 or PO Box No. *The Chrysler Bldg*
405 LEXINGTON AVE.
 City, State, ZIP+4 *New York, NY 10174*

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

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- Certified Mail is not available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

Attachment N

TROUTMAN SANDERS LLP

ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NEW YORK 10174
www.troutmansanders.com
TELEPHONE: 212-704-6000
FACSIMILE: 212-704-6288

SHPACK
11-9
237521

Lee Henig-Elona
lee.henig-elona@troutmansanders.com

Direct Dial: 212-704-6114
Fax: 212-704-6288

August 26, 2005

Via Federal Express

US Environmental Protection Agency - Region 1
Attn: Barbara O'Toole (HBS)
Search and Cost Recovery Section
Office of Site Remediation and Restoration
1 Congress Street - Suite 1100
Boston, MA 02114-2023

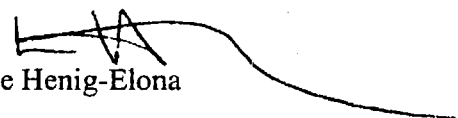
Re: Shpack Landfill - Response to Request for Information

Dear Ms. O'Toole:

We represent Swank, Inc. in connection with EPA's Request for Information concerning the Shpack Landfill Superfund Site. Enclosed please find Swank Inc.'s response to EPA's June 28, 2005 Request.

Please feel free to contact me if you have any questions.

Very truly yours,


Lee Henig-Elona

Encl.

ATLANTA • HONG KONG • LONDON • NEW YORK • NORFOLK • RALEIGH
RICHMOND • TYSONS CORNER • VIRGINIA BEACH • WASHINGTON, D.C.



90 PARK AVENUE – NEW YORK, N.Y. 10016
212-867-2600
FAX 212-370-1039

August 26, 2005

Via Federal Express

U.S. Environmental Protection Agency
Attention: Barbara O'Toole (HBS)
Search & Cost Recovery Section
Office of Site Remediation & Restoration
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Re: Response to EPA's Request for Information dated June 28, 2005
for the Shpack Landfill Superfund Site, Attleboro and Norton, MA

Dear Ms. O'Toole,

On behalf of Swank, Inc. ("Swank"), I have set forth below Swank's responses to the EPA's Request for Information dated June 28, 2005 for the Shpack Landfill Superfund Site reference above (the "Site").

As you are aware, by letter dated January 12, 1990, EPA issued a Request for Information to Swank (the "Prior Request"), a copy of which is attached to this letter as Exhibit A. A copy of Swank's November 30, 1990 amended responses to questions 1 – 9 of the Prior Request (the "Prior Request Responses") is attached to this letter as Exhibit B. In addition, while Swank does not know the exact date when questions 10 – 16 were answered, it does have what it believes were Swank's responses to those questions, and those responses are attached to this letter as Exhibit C. In that connection, although Swank has retained the documents referred to in Exhibit C, a number of them (e.g., income tax returns, periodic filings with the Securities and Exchange Commission, and other documents, in each case relating to or in effect in the late 1980's and/or the year 1990) are not included with this letter, either because the EPA should already have them or the information contained in them no longer provides useful information. Nevertheless, we would be happy to provide them to you upon request.

We hope that the information provided will be helpful.

Specific Responses to Request for Information

1. **Generators – General:** See the Prior Request Responses.
 - a. See paragraph 9.i. of the Prior Request Responses.
 - b. See paragraph 9.b. of the Prior Request Responses.
 - c. See paragraph 9.c. of the Prior Request Responses. It is unknown whether Swank's approximately 20 gallons of still bottoms that were disposed of in 1955 were placed at the Dumont Site and/or the Shpack Site.
 - d. During the applicable period in 1955, Swank used either the Shpack Site or the adjacent Dumont Site for daily disposal of approximately six cubic yards of general trash (paper, boxes, food waste, plastic, wood, etc.).
 - e. Swank.
 - f. See paragraph 9.c. of the Prior Request Responses.
 - g. Unknown. See paragraph 9.g. and 9.h. of the Prior Request Responses.
 - h. See paragraph 9.i. of the Prior Request Responses.
 - i. Unknown.
 - j. According to a letter dated January 24, 1991, the material would have been put in any convenient container, generally, a pail. See Exhibit D hereto.
2. **Generators – General:** See the Prior Request Responses.
 - a. See paragraph 9.i. of the Prior Request Responses.
 - b. See paragraph 9.b. of the Prior Request Responses.
 - c. See paragraph 9.c. of the Prior Request Responses. It is unknown whether Swank's approximately 20 gallons of still bottoms that were disposed of in 1955 were placed at the Dumont Site and/or the Shpack Site.
 - d. During the applicable period in 1955, Swank used either the Shpack Site or the adjacent Dumont Site for daily disposal of approximately six cubic yards of general trash (paper, boxes, food waste, plastic, wood, etc.).
 - e. Swank.

- f. See paragraph 9.c. of the Prior Request Responses.
- g. Unknown. See paragraph 9.g. and 9.h. of the Prior Request Responses.
- h. See paragraph 9.i. of the Prior Request Responses.
- i. Unknown.
- j. According to a letter dated January 24, 1991, the material would have been put in any convenient container, generally, a pail. See Exhibit D hereto.

3. Operations:

- a. 6 Hazel Street, Attleboro, MA during the entire period in question.
437 Whittenton Street, Taunton, MA from September 1963 to July 1967.
620 Spring Street, No. Dighton, MA from July 1966 to August 1969.
656 Joseph Warner Boulevard, Taunton, MA from August 1969 to present.
- b. The Attleboro facility was used for manufacturing costume jewelry. The other sites were used only for warehousing, office and distribution. The relevant dates of operation are included in the response to question 3.a. above.
- c. The nature of the operations at the sites listed in response to question 3.a. above generally did not change over time. The amount of costume jewelry manufactured at the Attleboro facility would generally have increased or decreased from time to time during the applicable period depending on customer demand for Swank's costume jewelry products. Likewise, the extent of the warehousing, office and distribution operations at the other facilities would increase or decrease from time to time as Swank's overall business warranted.
- d. Swank manufactured costume jewelry at the Attleboro facility.
- e. Generally, raw materials used in the manufacture of costume jewelry were as follows: brass, tin, silicone rubber molds, gold, nickel, copper, rhodium, plating solutions, lubricating oil or grease, degreasers, polishing cloths, semi-precious stones, and small amounts of glue and glue remover for setting stones.
- f. See paragraph 9.c. of the Prior Request Responses. The equipment was virtually maintenance free. Occasionally, lubricating oil was applied to moving parts.
- g. None.

4. Wastes and Waste Streams (1946 – 1965):

a. See the applicable Information Request Waste Survey which is included with this letter.

b. Certain of Swank's maintenance personnel are identified in Prior Request Response to question 2. Generally, janitors who worked the evening shift would collect plant trash and would place same in the Company's dump truck for morning delivery to either the Shpack or Dumont Sites. With regard to all other wastes, unknown.

c. i. See paragraph 9.p. of the Prior Request Responses and the answers in response to questions 1.j. and 2.j. above.

ii. See paragraph 9.p. of the Prior Request Responses and the answer in response to question 4.b. above.

5. Wastes and Waste Streams (1966 – 1975):

a. See the applicable Information Request Waste Survey which is included with this letter.

b. Certain of Swank's maintenance personnel are identified in Prior Request Response to question 2. Generally, janitors who worked the evening shift would collect plant trash and would place same in the Company's dump truck for morning delivery to either the Shpack or Dumont Sites. With regard to all other wastes, unknown.

c. i. See paragraph 9.p. of the Prior Request Responses and the answers in response to questions 1.j. and 2.j. above.

ii. See paragraph 9.p. of the Prior Request Responses and the answer in response to question 4.b. above.

6. Disposal/Treatment/Storage/Recycling/Sale of Waste (1946-1965):

a. See paragraph 9.p. of the Prior Request Responses and the answers in response to questions 1.j. and 2.j. above.

b. Unknown whether there were contracts; none have been located. See paragraph 3 of the Prior Request Responses. In addition to plant trash, scrap metal waste would be sent to a scrap dealer. Solvents would either be recycled on-site in a distillation process, be sent to a solvent recovery facility (Re-Solve, Inc., Recycling Industries and Northeast Solvents), or would be sent for off-site disposal at a presently unknown hazardous waste facility. Plating wastes were recycled on site. Once the plating solutions became spent

or contaminated, it would be sold to a metal refiner (Glines & Rhodes in Attleboro) to recover the gold, nickel, copper or rhodium.

- c. Unknown if there were any such agreements; none have been located.
- d. See the answer in response to question 6.b. above.
- e. Swank delivered its plant trash in its own trucks. It is unknown how recycled and reclaimed wastes were transported.
- f. See the answer in response to question 6.e. above.
- g. See the answer in response to question 6.e. above.
- h. Unknown.
- i. Unknown.
- j. Unknown.
- k. None.
- l. Unknown.
- m. Unknown.
- n. See the answer in response to question 6.b. above.
- o. See the answer in response to question 6.c. above.
- p. Janitors who worked the evening shift would collect plant trash and would place same in the Company's dump truck for morning delivery to either the Shpack Site or Dumont Site. With regard to all other wastes, unknown.
 - i. None.
 - ii. Unknown.
 - iii. See the answer in response to question 6.b. above.
 - iv. Mr. Robert Best was the Director of Purchasing during a portion of the period in question. He would have been responsible to approve payment of accounts payable to vendors generally.
 - vi. See the answer in response to question 6.b. above.
- q. See paragraph 9.i. of the Prior Request Responses. Swank selected the Site for the plant trash. The vendors referred to in the answer in response to question 6.b. above selected the location of any wastes disposed of by them.

r. Information forming the basis for the answer to question 6.q. was obtained from follow-up interviews with the individuals listed in response to question 8 below.

7. Disposal/Treatment/Storage/Recycling/Sale of Waste (1966-1975):

The respective responses to question 6 above are applicable to question 7 as well.

8. Sources of Information.

The persons listed below, each of whom are present and former employees of Swank, may have knowledge or information with regard to Swank's operations and hazardous material handling, storage and disposal practices during the years 1946-1975 in the ordinary course of their job performance.

Mr. Raymond J. Hill, Retired Senior Vice-President/Operations of Swank. Mr. Hill was employed by Swank from August 22, 1950 to December 31, 1990. Mr. Hill supervised jewelry manufacturing operations, including maintenance, at the Swank Attleboro facility during a portion of the time for which information is being requested.

Mr. Robert Best, Retired Director/Purchasing of Swank. Mr. Best was employed by Swank from July 10, 1950 to June 30, 1987. Mr. Best administered vendor relationships, including the purchase of raw materials for jewelry manufacturing operations at the Swank Attleboro facility during a portion of the time for which information is being requested.

Mr. Donald Coehlo, Retired Supervisor/Maintenance. Mr. Coehlo was employed by Swank from September 2, 1954 to February 9, 1996. Mr. Coehlo supervised maintenance at the Swank Attleboro facility during a portion of the time for which information is being requested.

9. General Information.

a. Swank, Inc.

b. The person answering these questions on behalf of Swank is John Tulin, President of Swank, 90 Park Avenue, New York, New York 10016, phone no. 212-867-2600, fax no. 212-867-0203.

c. Western Sand and Gravel site, Burrillville and North Smithfield, Rhode Island. In September 1991, Swank signed a consent decree which was entered on August 28, 1992 in the United States District Court for the District of Rhode Island.

d. See the answer to question 9.c. above.

e. Swank was incorporated in the State of Delaware on April 17, 1936. The Prentice-Hall Corporation System, Inc. is Swank's registered agent in the State of Delaware.

f. Not applicable.

g. Not applicable.

10. Information About Others.

a. Not applicable.

b. Not applicable.

c. See Prior Request Response to question 3.

11. Compliance with This Request.

a.i. Mr. Raymond J. Hill, Mr. Robert Best, Mr. Donald Coehlo, Mr. Jerold R. Kassner and Mr. Arthur Gately, III were consulted in the preparation of this response. Certain information as to Messrs. Hill, Best and Coehlo, former employees of Swank, is set forth in response to questions 1 - 8 above. Mr. Kassner is the present Chief Financial Officer of Swank and was consulted with regard to certain responses to questions 9 and 11. Mr. Gately is the present Vice President-Administration of Swank and was consulted with regard to certain responses to questions 8 and 9.

ii. See the answer to question 11.a.i. above.

iii. See the answer to question 11.a.i. above.

iv. See the answer to question 11.a.i. above.

v. See question 3 of the Prior Request Responses.

vi. See question 3 of the Prior Request Responses.

vii. See question 3 of the Prior Request Responses.

viii. See question 3 of the Prior Request Responses.

b. See question 3 of the Prior Request Responses. Swank has attached to this letter correspondence between Swank and The Travelers Insurance Company (see Exhibit D hereto). Swank has also attached a letter from the Commonwealth of Massachusetts dated March 5, 1987 and Swank's April 8, 1987 response (see Exhibit E hereto). Swank has no

other relevant records or information as to whether any other documents existed and/or were destroyed.

c. The present document retention practice (there is no written policy) of Swank is to retain tax and financial files indefinitely, and except as otherwise may be required by law or agreement, to retain all other documents for a period of approximately 7 years. Swank is unaware of any other past document retention practices or policies.

d. See Prior Request Responses at question 3.

Very truly yours,

SWANK, INC.

By: 

John Tulin, President

cc: Lee Henig-Elona, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

Information Request Waste Survey for 1946 through 1965
for the Shpack Landfill Superfund Site

Name of Respondent: Swank Inc.

Respondent's Location: 6 Hazel Street, Attleboro, MA

Date: August 26, 2005

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/ Tetrahydrofuran/C ₄ H ₈ O).	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster ('55-68), [Name] Landfill ('69-81), [Name] Solvent Reclaimer ('82-'91)
X	Acids	See Plating Solutions below.			
	Adhesives				
	Asbestos				
	Adsorbents (from spills, leaks, etc.)				
	Automotive Related				
	Wastes:				
	Antifreeze				
	Batteries				
	Brake Fluids				
X	Degreasers	See Distillation Byproducts below.			
	Lubricants				
X	Oils	unknown	cutting, lubrication and hydraulic oils	unknown	unknown
	Oil Filters				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: Swank Inc.

Respondent's Location: 6 Hazel Street, Attleboro, MA

Date: August 26, 2005

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/ Tetrahydrofuran/C ₄ H ₈ O).	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster ('55-68), [Name] Landfill ('69-81), [Name] Solvent Reclaimer ('82-'91)
	Transmission fluids				
	other:				
	Batteries				
	Bleaches				
X	Caustics/Alkalis	See Plating Solutions below.			
	Chemicals				
X	Cleaning compounds or fluids	liquids	TCE, PCE and mineral spirits	unknown	unknown
	Coolants				
X	Degreasers	See Distillation Byproducts below.			
	Disinfectants				
X	Distillation Byproducts (Still Bottoms)	semi-liquid sludge	Approximately 48% TCE and/or PCE	1 gallon per week	20 gallons to Shpack or Dumont in 1955. Balance was sent to solvent recovery facility, hazardous waste facility or recycled on-site
	Dyes				
	Etching Solutions				
X	Filters	metal hydroxide filters spent electroplating filters	unknown	unknown	unknown

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: Swank Inc.

Respondent's Location: 6 Hazel Street, Attleboro, MA

Date: August 26, 2005

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/ Tetrahydrofuran/C ₄ H ₈ O).	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster ('55-68), [Name] Landfill ('69-81), [Name] Solvent Reclaimer ('82-'91)
	Flammable, Reactive, or Explosive Materials				
	Fungicides				
	Herbicides				
	Insecticides				
	Insulating/Fire Proofing Materials				
	Laboratory Wastes				
	Lubricants				
	Metals:				
	grindings				
	powders				
	shavings				
	sludges				
	solutions				
X	other: scrap	solid		unknown	sent to scrap dealer
	Paint and Coating Wastes:				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: Swank Inc.

Respondent's Location: 6 Hazel Street, Attleboro, MA

Date: August 26, 2005

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/ Tetrahydrofuran/C ₄ H ₈ O).	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster ('55-68), [Name] Landfill ('69-81), [Name] Solvent Reclaimer ('82-'91)
	paint				
	pigments				
	stripper				
	stains				
X	thinner	liquid	lacquer thinner and/or mineral spirits	unknown	unknown
	turpentine				
	varnish				
	other:				
	PCBs (polychlorinated biphenyls)				
	Pesticides				
	Photocopying Wastes:				
	toners				
	other:				
	Photography Wastes:				
	developers				
	fixers				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: Swank Inc.

Respondent's Location: 6 Hazel Street, Attleboro, MA

Date: August 26, 2005

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/ Tetrahydrofuran/C ₄ H ₈ O).	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster ('55-68), [Name] Landfill ('69-81), [Name] Solvent Reclaimer ('82-'91)
	other:				
X	Plating Solutions	liquids/sludge	sodium bisulfite metal hydroxide solutions cyanide solutions acid (sulfuric, muriatic and nitric) solutions alkaline solutions sodium hypochlorite solutions	unknown	Recycled on-site and then sold to metal refiner for recovery of metals. Glines & Rhodes in Attleboro was refiner.
	Pretreatment Sludges/Solutions (sewage)				
	Printing Wastes:				
	inks				
	dyes				
	other:				
	Rags, Used (Indicate prior use)				
	Rodenticides				
	Septic System Wastes				
X	Sludges	See Distillation Byproducts above.			

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: Swank Inc.

Respondent's Location: 6 Hazel Street, Attleboro, MA

Date: August 26, 2005

	Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/ Tetrahydrofuran/C ₄ H ₈ O).	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster ('55-68), [Name] Landfill ('69-81), [Name] Solvent Reclaimer ('82-'91)
	Soldering Solutions				
	Solutions of Polymers, resins, plastics				
	Solvent Extracts				
X	Solvents	See Distillation Byproducts above.			
	Waste Oils				
	Wood Preservatives				
	Radioactive Materials:				
	Uranium				
	Radium				
	Other:				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: Swank Inc.

Respondent's Location: 6 Hazel Street, Attleboro, MA

Date: August 26, 2005

[illegible]

Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: Swank Inc.

Respondent's Location: 6 Hazel Street, Attleboro, MA

Date: August 26, 2005

Same as 1946-1965 except no deliveries to Shpack or Dumont.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

January 12, 1990

Marshall Tulin, President
Swank, Inc.
6 Hazel Street
P.O. Box 839
Attleboro, MA 02703

Re: Request for Information Pursuant to Section 104 of CERCLA and Section 3007 of RCRA, for Shpack Superfund Site in North Attleboro/Norton, Massachusetts hereafter referred to as the "Site"

Dear Mr. Tulin:

The United States Environmental Protection Agency (EPA) is currently investigating the source, extent and nature of the release or threatened release of any hazardous substance, pollutant or contaminant, or hazardous waste on or about the Shpack Superfund Site in North Attleboro/Norton, Massachusetts (the Site). This investigation requires inquiry into the identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at the Site or transported to the Site. EPA also is requesting information relating to the ability of a person to pay for or to perform a cleanup of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e), and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Request set forth in the Attachment to this letter.

Compliance with the Information Request set forth in the Attachment is mandatory. Failure to respond fully and truthfully to the Information Request within twenty-one (21) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Paula Fitzsimmons
MA Superfund Section
Waste Management Division
J.F. Kennedy Federal Building, HRS-CAN3
Boston, MA 02203

If you have any questions, please direct such questions to Paula Fitzsimmons, at the above address, or at (617) 573-5738.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,



Merrill S. Hohman, Director
Waste Management Division

Attachment

cc: Assistant Administrator, Office of Enforcement and
Compliance Monitoring
Bruce Marshall, Chief, Superfund Enforcement Support Section
Paula Fitzsimmons, EPA Remedial Project Manager
Teresa Rec, MA Remedial Project Manager

ATTACHMENT

QUESTIONS

1. Identify the person(s) answering these questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer and provide true and accurate copies of all such documents.
4. List the EPA RCRA Identification Numbers of the Respondent, if any.
5. Describe the acts or omissions of any persons, other than your employees, agents or those persons with whom you had a contractual relationship, that may have caused the release or threat of release of hazardous substances at the Site and damages relating therefrom and identify such persons. In addition:
 - a. Describe all precautions that you took against foreseeable acts or omissions of any such third parties and the consequences that could foreseeably result from such acts or omissions.
 - b. Describe the care you exercised with respect to the hazardous substances found at the Site.
6. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
7. Identify all persons, including Respondent's employees, who have knowledge or information about the generation, use, purchase, treatment, storage, disposal or other handling of materials at, or transportation of materials to, the Site.
8. For each and every Question contained herein, if information responsive to this Information Request is not in your possession, custody or control, then identify the persons from whom such information may be obtained.
9. Identify all persons, including you, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials at or to the Site. Such

ATTACHMENT

persons will hereinafter be referred to as "Generators." In addition, identify:

- a. The persons with whom the Generators made such arrangements.
- b. Every date on which each Generator made such arrangements.
- c. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous materials involved in each such arrangement.
- d. In general terms, the nature and quantity of the non-hazardous materials involved in each such arrangement.
- e. The owner of the hazardous materials involved in each such arrangement.
- f. All tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions.
- g. The precise locations at which each hazardous material involved in such transactions actually was disposed or treated.
- h. Who selected the location to which the hazardous materials were to be disposed or treated.
- i. Who selected the Site as the location at which hazardous materials were to be disposed or treated.
- j. The amount paid in connection with each such arrangement, the method of payment, and the identity of the persons involved in each arrangement.
- k. Where the persons identified in h., above, intended to have the hazardous materials involved in each arrangement treated or disposed and all evidence of their intent.
- l. All intermediate sites to which the hazardous materials involved in each arrangement were transshipped, or at which they were stored or held, any time prior to final treatment or disposal.

ATTACHMENT

- m. What was done to the hazardous materials once they were brought to the Site.
 - n. The final disposition of each of the hazardous materials involved in each arrangement.
 - o. The measures taken by you to determine how and where treatment or disposal of the hazardous materials involved in each arrangement would actually take place.
 - p. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.
10. Identify all liability insurance policies held by Respondent from 1946 to 1989. In identifying such policies, state:
- a. the name and address of each insurer and of the insured;
 - b. the amount of coverage under each policy;
 - c. the commencement and expiration dates for each policy;
 - d. whether or not the policy contains a "pollution exclusion" clause; and
 - e. whether or not the policy covers sudden, non-sudden or both types of accidents.
- In lieu of providing this information, you may submit complete copies of all insurance policies that may cover the release or threatened release of hazardous materials.
11. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years.
12. Provide all financial statements for the past five fiscal years, including but not limited to those filed with the federal and state Internal Revenue Service and Securities and Exchange Commission.
13. Identify all of Respondent's current assets and liabilities and the person(s) who currently own or are responsible for such assets and liabilities.
14. Identify all subsidiaries and parent corporations of Respondent.

ATTACHMENT

15. Provide a copy of the most current Articles of Incorporation and By-laws of Respondent.
16. Identify the managers and majority shareholders of Respondent and the nature of their management duties or amount of shares held, respectively.

Exhibit B



November 30, 1990

Merrill S. Hohman, Director
Waste Management Division
United States Environmental Protection Agency
Region 1
J.F. Kennedy Federal Building
Boston, Massachusetts 02203-2211

Dear Sir:

The following are amended responses to the Information Request provided to Swank Incorporated on January 12, 1990, pursuant to Section 104 of CERCLA for Shpack Landfill Superfund Site in Norton and Attleboro, Massachusetts:

1. Raymond J. Hill, Senior Vice-President/Operations
David H. Miller, Vice-President/Quality Control and
Environmental Affairs
2. The following personnel were consulted in the preparation of these responses. Where a specific individual provided significant input with respect to a given response, his name is noted.

Mr. Raymond J. Hill, Senior Vice-President/Operations
Mr. Robert Best, Director/Purchasing (Retired)
Mr. James Hall, Director/Purchasing (Current)
Mr. Donald Coelho, Supervisor/Maintenance (Current)
Mr. Edward Fuller, Supervisor/Maintenance (Retired)
Mr. Larry Governo, Maintenance Worker (Retired)
Mr. Gordon Buckley, Maintenance Worker (Current)
3. Due to the length of time which has passed since the period in question, no written documentation is available other than materials previously provided. Additional information which forms the basis for the answers here provided was obtained from interviews with individuals pertaining to events which occurred during the relevant time period.
4. EPA Identification # MAD 001202340
5. Swank has extremely limited information pertaining to the operations of the Shpack site. Presumably, responsibility for releases at the site rests with the owner/operators.
 - a. Swank was not in a position to take precautions against the acts of third parties concerning the operations at the site.

b. Swank was not an owner or operator of the site, and therefore had neither the obligation nor the ability to control the care of wastes disposed of at the site. At all relevant times it was the understanding of Swank's employees that waste disposed of at the Shpack site was handled in an appropriate and lawful manner.

6. Current or former owner/operators of the Site.

7. Mr. Ed Fuller, Mr. Larry Governo, Mr. Donald Coelho, and Mr. Gordon Buckley, as listed above.

8. No response required.

9. In addition to Swank, Incorporated, and the other parties already identified as potential users of the site, employees (Mr. Governo Mr. Coelho) recall seeing vehicles and employees of the following companies delivering waste to the site: L.G. Balfour Company, The Robbins Company and Leavens Awards Company, Inc.

The responses below relate only to the activities of Swank, Incorporated:

a. The owner of the site at the time in question, Mr. Isadore Shpack.

b. No specific arrangements for hazardous materials were made for disposal at the Shpack dump site. However, during a period of time estimated to be three to six months during 1955, Swank Incorporated did utilize this site for the disposal of general refuse.

c. During the time period in question, Swank, Incorporated operated four degreasers, three "small" ones and one "large" one. The "large" unit was a Detrex Model 1DCR-750-1S, size R-1, which is still on-site, but not in service; one of the "small" units was a Mechanical Process Company open top unit with an approximate capacity of one hundred gallons, which is still in use. The other two "small" units were removed several years ago and no identification is available. It was routine practice to clean out one of the small degreasers per week, and dispose of any accumulated sludge or "still bottoms" in the trash. This amounted to an estimated one gallon of sludge per week in total. The large unit was shut down and cleaned out on an annual basis. It is not believed that this unit was cleaned out during the time period in question.

The material which may have been disposed of included "still bottoms" consisting of a mixture of trichloroethylene (CAS # 79016) and oil and/or polishing compound solids (waxes, animal fats, and abrasives). The total volume was approximately one gallon of sludge per week for an estimated twenty weeks. [Gordon Buckley]

Recent analyses by the solvent recycler currently handling similar still bottoms shows them to average approximately forty-eight per cent trichloroethylene.

d. The material shipped to the site consisted of approximately six cubic yards of general trash (paper, boxes, etc.) daily for each day of operation of the facility (five days per week). [Donald Coelho]

e. The owner of the material was Swank, Incorporated.

f. No testing was performed on any of the materials sent. (The still bottoms which may have been included with the general trash were not considered hazardous material at the time; therefore, no specific testing was required).

g. The precise locations are unknown. General trash was deposited in various locations at the direction of the site owner/manager. [Mr. Larry Governol].

h. Truck driver disposed of trash as directed by the site owner/manager. [Mr. Larry Governol].

i. Site was selected by the Supervisor of Maintenance responsible for trash removal, Mr. Ed Fuller.

j. No fees were paid for trash disposal.

k. The material in question was not considered hazardous at the time of disposal. Therefore, no special arrangements were deemed necessary, nor were any made.

l. None. Material was shipped directly from Swank plant site to the Shpack site in a company-owned truck.

m. Unknown.

n. Unknown.

o. No measures were taken since the materials disposed of were not classified hazardous at the time of disposal.

p. No special containers or markings were used since the material was not considered hazardous or known to be regulated. The material would have been mixed in with other normal trash.

The information requested in Questions 10-16 have been previously provided under separate cover.

Sincerely,

A handwritten signature in cursive script, appearing to read "David H. Miller". The signature is written in dark ink and is positioned above the printed name.

David H. Miller

Exhibit C

RESPONSES - SHPACK DUMP SITE

QUESTION 10.

"Identify all liability insurance policies held by Respondent from 1946 to 1989. In identifying such policies, state:

- a. the name and address of each insurer and of the insured;
- b. the amount of coverage under each policy;
- c. the commencement and expiration dates for each policy;
- d. whether or not the policy contains a "pollution exclusion" clause; and
- e. whether or not the policy covers sudden, non-sudden or both types of accidents.

In lieu of providing this information, you may submit complete copies of all insurance policies that may cover the release or threatened release of hazardous materials."

RESPONSE:

See attached separate listing.

QUESTION 11.

"Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years."

RESPONSE:

Copies of Form 1120 of Federal Income Tax returns filed with the Internal Revenue Service for the years 1988, 1987, 1986, 1985 and 1984 are enclosed. An extension was properly filed for the year 1989.

QUESTIONS 12.

"Provide all financial statements for the past five fiscal years, including but not limited to those filed with the federal and state Internal Revenue Service and Securities and Exchange Commission."

RESPONSE:

Annual reports and Form 10-K are enclosed for the years 1989, 1988, 1987, 1986 and 1985.

QUESTION 13.

"Identify all of Respondent's current assets and liabilities and the person(s) who currently own or are responsible for such assets and liabilities."

RESPONSE:

Refer to financial statements.

QUESTION 14.

"Identify all subsidiaries and parent corporations of Respondent."

RESPONSE:

Subsidiaries are:

Haiti:

Releve Accessories, S.A.

Leather Concepts, S.A.

Virgin Islands:

Swank Sales International (V.I.), Inc.

QUESTION 15.

"Provide a copy of the most current Articles of Incorporation and By-laws of Respondent."

RESPONSE:

A copy of the By-Laws and Certificate of Incorporation are enclosed.

QUESTION 16.

"Identify the managers and majority shareholders of Respondent and the nature of their management duties or amount of shares held, respectively".

RESPONSE:

See attached listing.

MISC:13/2

7/11/90

SWANK, INC.
6 HAZEL STREET
ATTLEBORO, MA 02703

<u>INSURANCE</u>	<u>TYPE OF POLICY</u>	<u>POLICY TERM & POLICY NUMBER</u>	<u>POLICY LIMITS</u>	<u>POLLUTION COVERAGE</u>	
				<u>GRADUAL</u>	<u>ACCIDENTAL</u>
Travelers Ins. Co.	CGL & Umbrella (?)	1/1/46-79	Records not available		
Travelers Ins. Co. One Tower Square Hartford, CT.	Comprehensive General Liability (CGL)	1/1/79-80 TRSLG-137T760-1	\$500,000. each occurrence \$500,000. aggregate Bodily Injury \$100,000. each occurrence \$100,000. aggregate Property Damage	No	Yes
Same	CGL	1/1/80-81 Same	Same	No	Yes
Same	CGL	1/1/81-82 Same	Same	No	Yes
Same	CGL	1/1/82-83 Same	Same	No	Yes
Same	CGL	1/1/84-85 Same	Same	No	No
Same	CGL	1/1/85-86 Same	Same	No	No
Kemper Group Route 22 Long Grove, Ill.	CGL	1/1/86-87 3YMO48116-00	\$1,000,000. Combined Single Limit	No	No
Same	CGL	1/1/87-88 Same	Same	No	No
Travelers Ins. Co.	CGL	1/1/88-89 URJSLG581G104-8	Same	No	No

RESPONSE TO QUESTION 10.

<u>INSURANCE</u>	<u>TYPE OF POLICY</u>	<u>POLICY TERM & POLICY NUMBER</u>	<u>POLICY LIMITS</u>	<u>POLLUTION COVERAGE</u>	
				<u>GRADUAL</u>	<u>ACCIDENTAL</u>
Travelers Ins. Co.	CGL	1/1/89-90 URJSLG581G104-8	\$ 1,000,000. Combined Single Limit	No	No
Affiliated FM Ins.Co. P.O. Box 7500 Johnston, R.I.	Umbrella Liability	1/1/78-79 97809	\$ 5,000,000.	No	Yes
Same	Umbrella Liability	1/1/79-80 98371	Same	No	Yes
St.Paul Ins. Co. St.Paul, Minnesota	Umbrella Liability	1/1/80-81 569XE3591	\$10,000,000.	No	Yes
Travelers Ins. Co. One Tower Square Hartford, Ct.	Umbrella Liability	1/1/81-82 T-CUP173T377-7	Same	No	Yes
Same	Umbrella Liability	1/1/82-83 Same	Same	No	Yes
Same	Umbrella Liability	1/1/83-84 Same	Same	No	No
Same	Umbrella Liability	1/1/84-85 Same	Same	No	No
Same	Umbrella Liability	1/1/85-86 Same	Same	No	No
International Ins.Co. 200 S. Wacker Dr. Chicago, Ill.	Umbrella Liability	1/1/86-87 523-425349	\$ 5,000,000.	No	No
Kemper Group Route 22 Long Grove, Ill.	Umbrella Liability	1/1/87-88	\$ 9,000,000.	No	No
Travelers Ins. Co.	Umbrella Liability	1/1/88-89	\$10,000,000.	No	No
Same	Umbrella Liability	1/1/89-90	Same	No	No

INSURANCE	TYPE OF POLICY	POLICY TERM & POLICY NUMBER	POLLUTION COVERAGE		
			POLICY LIMITS	GRADUAL	ACCIDENTAL
Travelers Ins. Co. One Tower Square Hartford, CT.	Environmental Hazard Policy	1/1/83-84 TLEH186T7743	\$4,200,000. each claim \$4,200,000. Total All Claims \$1,400,000. Total Limit All Claim Expense \$5,600,000. Combined Total Limit Claim & Expense	Yes	Yes
Same	Environmental Hazard Policy	1/1/84-85 Same	Same	Yes	Yes
Same	Environmental Hazard Policy	1/1/85-86 Same	\$1,500,000. each claim \$1,500,000. all claims \$ 500,000. all expense \$2,000,000. combined total limit claim & expense	Yes	Yes

** TOTAL PAGE.004 **

Exhibit D



8 HAZEL STREET
P.O. BOX 2962 - ATTLEBORO, MASS 02703-0962
508-222-3400
FAX: 508-222-3590

OFFICE OF
SENIOR VICE PRESIDENT

August 29, 2000

Ms. Sarah Cook
TechLaw
14500 Avion Pkwy.
Suite 300
Chantilly, VA 20151

**RE: Request for Swank, Inc. Records
FUSRAP Shpack Landfill Site**

Dear Ms. Cook:

Pursuant to your e-mail request of July 28, 2000, enclosed please find the following documents in connection with the above captioned file:

	Date	From	To
1	12 Jan 1990	Merrill Hohman, US Environmental Protection Agency	Marshall Tulin, President, Swank, Inc
2	7 Aug 1990	Eric Ellison, Travelers Insurance Company	Andrew Corsini, CFO Swank, Inc.
3	6 Dec 1990	Patricia Truscelli, Parker Chapin Flattau & Klimpl	Paula Fitzsimmons, US Environmental Protection Agency
4	17 Dec 1990	Patricia Truscelli, Parker Chapin Flattau & Klimpl	Leslie Hopman, Travelers Insurance Company
5	19 Dec 1990	Andrew Corsini, CFO Swank, Inc.	Eric Ellison, Travelers Insurance Company
6	8 Jan 1991	Eric Ellison, Travelers Insurance Company	Andrew Corsini, CFO Swank, Inc.
7	24 Jan 1991	Andrew Corsini, CFO Swank, Inc.	Eric Ellison, Travelers Insurance Company
8	12 Apr 1993	Travelers Insurance Company	Patricia Truscelli, Parker Chapin Flattau & Klimpl

Please let me know if you require additional information.

Sincerely,

Jerold R. Kassner
Senior Vice President
Chief Financial Officer

cc: Lee Henig-Elona, Parker Chapin LLP

AUG 8 1990

TheTravelers

The Travelers Companies
One Tower Square
Hartford, CT 06183-1052
Facsimile: 203 954-5857

Special Liability Coverage Unit
Law Department

VIA AIRBORNE EXPRESS

August 7, 1990

Mr. Andrew Corsini
Senior Vice President
SWANK, INC.
6 Hazel Street
Attleboro, MA 02703

Policyholder: Swank, Inc.
Site: Shpack - Attleboro and Norton, MA
Re: United States Environmental Protection Agency
(USEPA), Potentially Responsible Party (PRP)
Letters of June 7 and June 10, 1990

Dear Mr. Corsini:

This will acknowledge receipt and review of the captioned matter by the Special Liability Coverage Unit (SLCU) of The Travelers submitted through your broker, Richardson-Cuddy Insurance Agency, Inc.

My role in the SLCU with regard to the captioned matter is limited to analyzing the extent of The Travelers defense and/or indemnity obligations, if any. In this regard, I have reviewed the June 7 and June 10, 1990 USEPA letters, and I have also reviewed the policies issued to Swank, Inc. by The Travelers.

My review of the USEPA's letters indicates that the agency has asserted only that Swank, Inc. may be potentially liable due to its alleged involvement with the captioned site.

The Travelers previously received notice from Swank of a Massachusetts Department of Environmental Quality Engineering (MADEQE) request for information at the Shpack site on April 6, 1987 through Richardson Insurance Agency. The Travelers sent a letter to Mr. Hill dated May 19, 1987 indicating that this appeared to be a potential claim and if any future demands concerning this matter are received by Swank, The Travelers

Mr. Andrew Corsini
August 7, 1990
Page 2

should be advised accordingly. Mr. Corso's June 18, 1990 letter was the first notification of any demands received regarding this site since the May 19, 1987 letter to you.

The Travelers has confirmed the existence of the relevant policies numbered KSLG-6577232 and SLG-137T760-1, for the periods January 1, 1971 through January 1, 1986.

The insuring agreement of the policies provides that The Travelers must defend any suit against the insured seeking damages for bodily injury or property damage. The Travelers position has been, and remains, that the captioned claim is not such a suit. However, without admitting that the law of Massachusetts is the law governing the interpretation of the contracts of insurance issued to Swank, Inc., and specifically reserving its rights to challenge any such choice of law, The Travelers will comply with the law in this jurisdiction. Until such time as our investigation of the facts and circumstances is complete and the coverage issues arising from this matter are resolved, The Travelers will participate in the defense of this matter under a complete reservation of rights.

Pursuant to this offer of defense, The Travelers will contribute to the payment of reasonable and necessary fees for work performed by the law firm of your choice and incurred subsequent to June 18, 1990, the date The Travelers first received notice of the USEPA matter. Subject to this restriction to reasonable and necessary fees, you may conduct that defense in any manner which you deem appropriate to protect the interests of Swank, Inc. Please be advised, however, that it is The Travelers position that costs which may be incurred by Swank, Inc. to analyze the nature and extent of alleged contamination or to develop programs for remediation (such as costs incurred in "Remedial Investigation/Feasibility Studies") are not properly characterized as costs of defense. Accordingly, The Travelers shall not contribute to the payment of such costs until it has made a determination regarding its obligation, if any, to indemnify Swank, Inc. in this matter.

The Travelers offer of defense should not be deemed or construed either as a waiver by The Travelers of any of its rights, including rights or conditions provided in the policies of insurance issued to Swank, Inc., or as an expansion of the duties owed by The Travelers under those policies, and is expressly subject to the following reservations:

Mr. Andrew Corsini
August 7, 1990
Page 3

- 1) Coverage does not apply to costs alleged to have been or to be incurred in connection with any claim for equitable relief;
- 2) In accordance with policy provisions and applicable case law, coverage does not apply to punitive damages, fines or penalties alleged or recovered in the captioned matter;
- 3) Coverage does not apply to any alleged damage or injury which does not constitute property damage as defined in the policies;
- 4) Any property damage which takes place prior and/or subsequent to the dates during which The Travelers provided liability insurance to Swank, Inc. is not covered by the policies issued by The Travelers, and thus, The Travelers is under no obligation to defend and/or indemnify claims for any such property damage;
- 5) Coverage does not apply to any alleged damage or injury unless caused by an occurrence, as defined by the policies;
- 6) From January 1, 1971 through January 1, 1978, coverage does not apply to liability for property damage arising out of any emission, discharge, seepage, release or escape of any liquid, solid, gaseous or thermal waste or pollutant, except petroleum or petroleum derivatives into water, if such emission, discharge, seepage, release, or escape is either expected or intended from the standpoint of any insured or any person or organization for whose acts or omissions any insured is liable, or resulting from or contributed to by any condition in violation of or non-compliance with any governmental rule, regulation or law applicable thereto;
- 7) From January 1, 1971 to January 1, 1978, coverage does not apply to liability for property damage arising out of any emission, discharge, seepage, release or escape of petroleum or petroleum derivatives into any body of water;
- 8) From January 1, 1978 through January 1, 1979, coverage does not apply to any liability for property damage arising out of any emission, discharge, seepage, release or escape of any liquid, solid, gaseous or thermal waste or pollutant;
- 9) From January 1, 1979 through January 1, 1983, coverage does not apply to liability for property damage which is determined to have arisen out of any emission, discharge,

seepage, release or escape of any liquid, solid, gaseous or thermal waste or pollutant if such emission, discharge, seepage, release or escape is either expected or intended from the standpoint of any insured or any person or organization for whose acts or omissions any insured is liable;

- 10) From January 1, 1983 through January 1, 1985, coverage does not apply to any liability for property damage arising out of an emission, discharge, seepage, release, escape, disposal, solid, gaseous or thermal waste or pollutant, whether or not such waste or pollutant is, or is part of, the named insured's products or completed operations;
- 11) From January 1, 1985 through January 1, 1986, coverage does not apply to any liability for property damage arising out of an emission, discharge, seepage, release, escape, disposal, storage or transportation of any liquid, solid, gaseous or thermal waste or pollutant whether or not such waste or pollutant is, or is part of, the named insured's products or completed operations;
- 12) Coverage is not afforded to property damage resulting from the hazardous properties of nuclear material and with respect to which any person or organization is required to maintain financial protection pursuant to the Atomic Energy Act of 1954 or any law amendatory thereof;
- 13) Coverage does not apply to liability arising out of damage to property owned, occupied, rented, or used by the insured or to property in the care, custody or control of the insured or as to which the insured exercised physical control for any purpose;
- 14) Coverage does not apply to liability for property damage to premises alienated by the insured arising out of such premises or any part thereof;
- 15) Coverage does not apply to any alleged property damage which is caused to work performed by or on behalf of the insured, arising out of the work or any portion thereof, or out of materials, parts, or equipment furnished in connection therewith;
- 16) Any payments that might be made by The Travelers in this case are subject to the applicable limits of liability and/or deductibles as contained in the policies;

Mr. Andrew Corsini
August 7, 1990
Page 5

- 17) Coverage does not apply if the insured failed to provide notice to The Travelers in accordance with the conditions of the policies; and
- 18) Coverage does not apply to any voluntary payment, assumed obligation or incurred expense other than for first aid to others at the time of any accident or occurrence.

The Travelers reserves its right to withdraw its participation in the defense of this matter should it be determined that coverage does not apply as set forth in the foregoing reservation(s).

Should The Travelers prevail on any of the reservations asserted, it does not waive its rights, if any, to seek reimbursement for any defense, indemnity or other payments made to Swank, Inc. or on its behalf in connection with the captioned matter.

In the event that any matters reserved are rejected by any court of appropriate jurisdiction (which shall be deemed to include a final order on appeal), The Travelers will provide coverage only in accordance with and to the extent of the theory of coverage adopted by such court and will seek and demand reimbursement of payments made by it based upon the reservations asserted.

Additionally, The Travelers reserves its rights as to the applicability of any Catastrophe Umbrella policies that might apply.

As this matter develops further, you will be advised of any additional legal principles or policy provisions which might limit the obligations which The Travelers has undertaken or will undertake.

I have also reviewed Environmental Hazard Policy EH-186T774-3, in effect from January 1, 1983 to January 1, 1986, which does not provide coverage for this matter for the following reasons:

The insuring agreement of the Environmental Hazard policies states:

"The Travelers will pay on behalf of the insured all sums in excess of the deductible amount which the insured shall become legally obligated to pay as damages because of bodily injury, property damage or other economic loss which arises out of the

Mr. Andrew Corsini
August 7, 1990
Page 6

environmental hazard and occurs in the policy territory and to which this policy applies."

The Environmental Hazard policies contain the following provisions:

"Provided always that

- (a) claim is first made against the insured and reported to The Travelers during the policy period, or during the extended reporting provision, if applicable, and
- (b) the insured as of the "first coverage date" shown in the Declarations, did not know or might not have reasonably foreseen that such claim would be made."

The Environmental Hazard policies do not provide coverage for this matter for the following reason(s):

- (1) The claim was not reported during the policy period or during the extended reporting period in which the policies were in effect.

The Environmental Hazard policies were in effect from January 1, 1983 to January 1, 1986. The Travelers received notice of the DEQE matter on April 6, 1987 and the USEPA matter on June 18, 1990.

This is not intended, nor shall it be construed as an exhaustive listing of Environmental Hazard policy terms, conditions or exclusions which might preclude coverage under The Travelers policies for the captioned matter. The Travelers reserves the right to supplement this declination should facts and circumstances, not currently known to The Travelers, indicate the applicability of additional grounds.

Because it appears, from the documents forwarded by the United States EPA, that the alleged contamination, if any, may have taken place prior and/or subsequent to the period during which The Travelers provided liability insurance to Swank, Inc., we anticipate that Swank, Inc. has notified its other insurance carriers whose coverage might apply to this matter and has taken steps to secure their participation in the defense of these claims. Please provide me the name, address, file number and representative of the carrier(s) notified.

Mr. Andrew Corsini
August 7, 1990
Page 7

You should be aware that the SLCU's role in this matter will be limited to determining The Travelers indemnity obligations. A staff member from The Travelers District Environmental Claim Office located in Baltimore, Maryland may also be in touch with you. That individual will not be involved in the coverage issues but will be available to assist your company in assessing its potential liability.

In July 19 and July 26, 1990 telephone conversations with Mr. Corso, he advised that Swank wished to convey factual information in a meeting sometime in the near future. Prior to such a meeting, I would appreciate it if you could provide some preliminary information regarding the alleged use of the site by Swank, Inc. as follows:

1. Please provide the exact name, address and EPA identification number of the facility(ies) which generated the waste materials allegedly disposed of at the Shpack site, and the dates of disposal.
2. Please provide copies of all invoices, purchase orders, or manifests, etc., regarding the waste materials generated by the facility(ies) and allegedly disposed of at the Shpack site. Please indicate whether these documents were obtained through internal records and/or provided by third parties, such as the EPA.
3. Please provide copies of any federal, state or local filings required as a result of the generation or disposal of waste materials by the facility(ies) including but not limited to Section 3010 RCRA reports or 103(c) CERCLA filings.
4. Please provide the name(s) of the individual(s) responsible for the disposition of the waste materials generated by the facility during the relevant time period(s) and advise if they are still employed by the company. If they are no longer so employed, please provide the last known address.
5. Please identify the waste materials generated by the facility(ies) identified above. Please specify the chemical makeup of these waste materials and the average monthly volume for each separate waste stream, and describe the processes which generated the waste materials. Also describe the method of storage for the various waste materials at the facility.

Mr. Andrew Corsini
August 7, 1990
Page 8

6. Please identify the method of transportation of the waste material from the facility and the name and address of the transporter(s) utilized. Please provide copies of any documents, including proposals, agreements, or contracts, etc., governing Swank's relationship with the transporter(s).
7. If an independent transporter was utilized, please state the procedure utilized by the company in selecting the transporter and provide copies of any documents exchanged/created during the selection process.
8. Please state whether the transporter or the company selected the disposal site. If selected by the transporter, did the company inquire as to the disposal method utilized at the disposal site? If selected by the company, what procedure was utilized in selecting the disposal site? Please include any documents created/exchanged during the site selection process. In any case, please explain (and document, if possible) the company's understanding as to the disposal methods to be utilized for their waste materials.
9. Please indicate if the company ever inspected the disposal site. In addition, specify the steps taken by the company to verify that the waste materials were being disposed of as represented by the transporter and/or disposal company.
10. Please identify the transporter and disposer utilized immediately preceding and subsequent to the time periods during which the waste materials generated were disposed of at the Shpack site. If different transporter(s) and/or disposal site(s) were used at different times, please indicate the reasons for changing transporters and/or disposal sites.
11. Please indicate when the company was first aware of contamination allegedly arising out of the operations of the Shpack site. Please include copies of all notices of potential liability received by the company, including but not limited to suits, administrative orders, Potentially Responsible Party letters, or other inquiries by any regulatory authority or private party. In addition, please provide a copy of the company's responses, if any, to these notices or inquiries.

As I am sure you can appreciate, The Travelers must obtain this information in order to begin to determine whether policies

Mr. Andrew Corsini
August 7, 1990
Page 9

afford coverage to Swank in this matter. Until our coverage investigation is complete, we cannot determine whether an indemnity obligation may exist under the policies.

After receipt and review of the information requested herein, we will have a frame of reference on which to base a subsequent meeting, if necessary. After completion of our investigation of this matter, we will notify you of the determination regarding the extent of The Travelers indemnity obligation, if any.

Regarding Ms. Truscelli's June 10, 1990 letter regarding a good faith offer to conduct a Remedial Investigation/Feasibility Study (RI/FS) and Administrative Order (AO) negotiations at the site, The Travelers can only advise Swank, Inc. to act in a manner which best represents its corporate interests. If Swank, Inc. should join the PRP group in any participation, negotiation and/or execution of any RI/FS or AO, subsequent to this letter, The Travelers will not assert that Swank violated the voluntary payment or assumed obligation provision of the policies. However, The Travelers reserves the right to comment on the terms of any RI/FS and AO in the future, including the right to assert and contest: (a) its responsibility to contribute to any RI/FS, AO and/or settlement, based on the reservations set forth in the letter, (b) any allocation of the years of insurance coverage that Swank, Inc. may claim is appropriate and (c) the reasonableness of any RI/FS, AO and/or settlement.

If you have any questions, please contact me at (203) 954-2958.

Very truly yours,



Eric L. Ellison
Account Manager
SLCU/Law, 6 PB

b1c/ele288

cc: Mary Hauck, DECO, Baltimore

Roy Corso
Richardson-Cuddy Insurance Agency

Patricia Truscelli, Esq.
Parker, Chapin, Flattau & Klimpl

PARKER CHAPIN FLATTAU & KLIMPL
COUNSELLORS AT LAW

1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

(212) 704-6000

CABLE LAWPAK

TELECOPIER (212) 704-6288

TELEX 640347

PATRICIA L. TRUSCELLI
(212) 704-6315

100 JERICO QUADRANGLE
JERICO, NY 11753
(516) 932-6500
TELECOPIER (516) 932-6506

December 6, 1990

Ms. Paula Fitzsimmons
U.S. E.P.A.
Waste Management Division
Region I
JFK Federal Building
Boston, MA 02203

Re: Shpack Superfund Site

Dear Paula:

I enclose herewith amended responses to the information request served upon Swank, Inc. in January of this year. The amendment is made pursuant to the requirements of §104 and reflects additional information obtained subsequent to our original filing.

Please contact me directly if you have any questions in connection with this matter.

Very truly yours,

Pat Truscelli

Patricia L. Truscelli

PLT:nl
Enclosure

bcc: Mark Abramowitz, Esq.
Mr. David Miller
Mr. Andrew Corsini

PARKER CHAPIN FLATTAU & KLIMPL
COUNSELLORS AT LAW

1211 AVENUE OF THE AMERICAS
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CABLE LAWPARK
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(212) 704-6315

100 JERICHO QUADRANGLE
JERICHO, NY 11753
(516) 932-6500
TELECOPIER (516) 932-6506

December 17, 1990

Ms. Leslie Hopman
Regional Manager
Travelers Insurance Company
901 Dulaney Valley Road
Towson, Maryland 21204


Re: Swank, Inc.
Shpack Superfund Site

Dear Ms. Hopman:

I enclose copies of documents recently furnished by Swank, Inc. to the EPA in connection with the above-referenced matter. You will note that Swank has recently amended its response to the request for information served by the EPA pursuant to §104(e) of CERCLA.

Please do not hesitate to call me if you have any questions in connection with this matter.

Very truly yours,



Patricia L. Truscelli

PLT:nl
Enclosure

cc: Mr. Roy Corso
Richardson Insurance Agency

bcc: Andrew Corsini

file
SWANK, INC.

6 HAZEL STREET
P. O. BOX 839 - ATTLEBORO, MASS. 02703
508-222-3400

OFFICE OF
SENIOR VICE PRESIDENT

December 19, 1990

Mr. Eric Ellison
Account Manager
The Travelers Insurance Company
One Tower Square
Hartford, CT 08103-1052

RE: Swank, Inc. - Shpack Superfund Site

Dear Mr. Ellison:

Your letter of August 7, 1990, re: United States Environmental Protection Agency (USEPA), Potentially Responsible Party (PRP) Letters of June 7 and June 10, 1990, contains on pages 7 and 8, a series of eleven questions. Listed below are Swank's responses which have been prepared to the best of our ability to reconstruct the information requested. Little, if any, written documentation is available.

The responses are numbered to correspond with the questions:

1. Numerous companies generated waste materials which were disposed of at Shpack. Swank does not have information pertaining to all of these facilities. As to Swank, the information is as follows:

Swank, Incorporated
6 Hazel Street
Attleboro, Massachusetts 02703

EPA #MAD 0012022340

During a period of time estimated to be three to six months during 1955, Swank Incorporated utilized this site for the disposal of general refuse.

2. Not available.
3. Not available. Since the material disposed of was not considered a hazardous waste during the time frame in question, Swank, Incorporated made no such filings with federal, state or local authorities.

December 19, 1990

4. Mr. Robert Best, Director/Purchasing (Retired)
Last known address:
20 Veery Road
Attleboro, Massachusetts 02703

Mr. Edison Fuller, Supervisor/Maintenance (Retired)
Last known address:
15 Eel River Road
South Chatham, Massachusetts 02659

5. The majority of the material disposed of at Shpack by Swank was normal trash. The material which may have been disposed of included "still bottoms" consisting of a mixture of trichloroethylene (CAS #79016) and oil and/or polishing compound solids (waxes, animal fats, and abrasives). The total volume was approximately one gallon of sludge per week for an estimated twenty weeks. Recent analyses by the solvent recycler currently handling similar still bottoms shows them to average approximately forty-eight per cent trichloroethylene.
6. The material was shipped directly from the Swank plant site to the Shpack site in a company-owned truck. No outside transporters were utilized.
7. See #6 above.
8. Swank, Incorporated selected the site to be utilized on the premise that all materials being disposed of were common trash. No unusual measures were taken since none of the materials disposed of were classified as hazardous at the time of disposal. Swank's understanding at the time was that the trash was acceptable as fill material and that it would be used as such.
9. No specific measures were taken at the time since the materials disposed of were not classified as hazardous and were considered normal trash.
10. No hazardous material transporter was utilized for this material either immediately prior to or after hauling this material to the Shpack dump.

MR. ERIC ELLISON
Page 3

December 19, 1990

11. The Company first became aware of the problem in June 1990, through the United States Environmental Protection Agency Potentially Responsible Party (US EPA PRP) letters referenced in your letter. Ms. Patricia L. Truscelli of Parker Chapin Flattau & Klimpl is representing Swank, Incorporated in all negotiations with the US EPA, and the PRP group. Ms. Truscelli will provide all pertinent documentation on an on-going basis.

Sincerely,

/S/ A. C. CORSINI

Andrew C. Corsini
Senior Vice President-
Treasurer

ACC2:972/85

DCC: David Miller



JAN 14 1991
Special Liability Coverage Unit
Law Department

The Travelers Companies
One Tower Square
Hartford, CT 06183-1052
Facsimile: 203 954-5857
Telephone: 203 954-5853

January 8, 1991

Mr. Andrew C. Corsini
Senior Vice President-Treasurer
Swank, Inc.
6 Hazel Street
P.O. Box 839
Attleboro, MA 02703

Policyholder: Swank, Inc.
Site: Shpack-Attleboro and Norton, MA
Re: United States Environmental Protection Agency
(USEPA), Potentially Responsible Party (PRP)
Letters of June 7 and June 10, 1990

Dear Mr. Corsini:

This will acknowledge receipt and review of your December 19, 1990 letter by the Special Liability Coverage Unit (SLCU) of The Travelers.

I would appreciate it if you could provide the following additional information:

1. You identified Mr. Best and Mr. Fuller as retired Swank employees who were responsible for the disposition of the chemicals disposed at the Shpack landfill. Would Swank object to these individuals being interviewed by SLCU personnel?
2. Please advise of how you established that TCE "still bottoms" may have been disposed of at the landfill. What were the manufacturing processes which generated these wastes? You stated that company vehicles transported this waste to the Shpack landfill. How were these wastes containered for transport and how were they disposed of at the landfill?
3. You advised that disposals took place during a three to six month period in 1955. Since The Travelers did not begin to insure Swank, Inc. until January 1, 1971, please advise of

Mr. Andrew C. Corsini
January 8, 1991
Page 2

the other insurance carriers whose policies may apply to this matter from 1955 to 1971. Please provide me with the name, address, file number and representative of the carrier(s) notified.

Please be advised that The Travelers fully reserves its rights in this matter, and that neither this correspondence nor any future communication or investigation shall be construed as a waiver of any of the rights and defenses available to The Travelers, including those rights and defenses provided under its contract(s) of insurance, including those as specified in my letter of August 7, 1990 to you.

If you have any questions in relation to this letter, please contact me at (203) 954-2958.

Very truly yours,



Eric L. Ellison
Account Manager
SLCU/Law, 6 PB

lc/ele409



8 HAZEL STREET
P. O. BOX 839 - ATTLEBORO, MASS. 02703
508-222-3400

OFFICE OF
SENIOR VICE PRESIDENT

January 24, 1991

Mr. Eric L. Ellison
Account Manager
SLCU/Law, 6PB
The Travelers
One Tower Square
Hartford, CT 06183-1052

RE: Swank, Inc. - Shpack - Attleboro and Norton, MA
United States Environmental Protection Agency
(UPEPA), Potentially Responsible Party (PRP)
Letters of June 7 and June 10, 1990

Dear Mr. Ellison:

I wish to acknowledge your letter of January 8, 1991 with a list of three questions. The responses are numbered to correspond with your questions:

1. Swank would not object to Messrs. Best and Fuller being interviewed by SLCU personnel, assuming Swank personnel or legal representative would be present. Of course, Swank reserves its right to limit the scope of the investigation if necessary.
2. It was established that still bottoms "may" have been disposed of through the personal recollection of employees (both active and retired) who were working at Swank, Inc. during the period in question. Early, non-specific information from the EPA indicated Swank was a "potentially responsible party" for arranging for "the disposal of hazardous substances including degreasing solvents at the site" (see Administrative Order by Consent for Remedial Investigation/Feasibility Study, US EPA Docket No. I-90-1113, undated; and related documents). Based on this citation, employees were interviewed to determine what substances, especially "degreasing solvents", may have been disposed of by any means during the period in 1955 when the Shpack landfill was used by Swank. It was further determined that no bulk quantities of any solvent would have been disposed of at the Shpack site. The only degreasing solvent related material which may have been disposed of were "still bottoms". It is

January 24, 1991

common practice to re-distill various solvents, including various degreasing fluids, on-site for reuse. This process yields a reusable solvent and a concentrated sludge or "still bottom". This sludge consists of a mixture of a small amount of residual solvent, along with the grease and oils which were removed from the parts processed through the degreaser(s) serviced by the still.

The sludge or "still bottom" was not classified as "hazardous" by any regulatory agency at the time. Therefore, it was common practice to routinely (weekly) clean out the still, and put the sludge in a box or pail, which was then thrown in with other normal trash. This trash was disposed of for a short period of time in 1955 at the Shpack landfill.

The processes which generated this waste were a variety of stamping, drawing, and machining operations in place at Swank at the time. These types of common metal forming operations typically require that a lubricant (a form of various oils or greases) be applied to the metal being formed or worked. After the forming operation is completed, these lubricants must be removed. This is accomplished through "solvent degreasing" in a "solvent degreaser". This process utilizes a solvent which removes the oil from the part, leaving the part clean for further processing. The oil is retained within the solvent, and is ultimately removed through distillation in a still.

All trash was removed from the Swank facility by means of a company owned truck. Trash was loaded on the truck daily. The still bottoms, which were generated weekly, would have been mixed in with all other trash generated on the same day. It would have been "containerized" in any convenient container, generally a pail, since it was in a semi-liquid state.

All trash was disposed at the landfill as directed by the landfill operator.

ERIC L. ELLISON
Page 3

January 24, 1991

3. You indicate that the Travelers did not begin to insure Swank until January 1, 1971. I would like to advise that your information is in error. We have been using a local insurance broker who represents Travelers by the name of Richardson-Cuddy. The former firm name was H.K. & O. P. Richardson, Inc. Mr. Cuddy, the present owner, was an employee of Travelers, Inc. and has personal knowledge of being involved with Swank from 1963 to the present date. The predecessor, Mr. Roger Richardson and the prior owner of H.K. & O.P. Richardson, Inc., can personally attest that Swank was insured with Travelers as far back as 1945 and most likely, to the date of incorporation (1936). As I don't know the source of your information. I can only offer the above from the reputable sources of a former employee and broker-agents.

If you have further questions regarding these responses, do not hesitate to contact me.

Sincerely,

Andrew C. Corsini
Senior Vice President-
Treasurer

ACC2:b69

cc: Mr. Thomas Cuddy,
Richardson-Cuddy Insurance Agency, Inc.

bcc: Dave Miller
Patricia Truscelli

04/23/93 11:08

203 954 5857

TRAVELERS SLCU

005

TM

TheTravelers

Law Department
Special Liability Coverage Unit

Travelers Companies
One Tower Square
Hartford, CT 06183-52
203 954-5853
FAX 203 954-5857

April 12, 1993

Patricia Truscelli, Esq.
Parker, Chapin, Plattau & Klimpl
1211 Avenue of the Americas
New York, NY 10036

Policyholder: Swank, Inc.

Site: Shpack - Attleboro and Norton, Massachusetts

Re: United States Environmental Protection Agency
("USEPA"), Potentially Responsible Party ("PRP")
letters of June 7 and June 10, 1990

Dear Ms. Truscelli:

As you know, The Travelers is conducting an investigation in order to determine the applicability of any policies issued by The Travelers to Swank for the captioned matter.

Through information provided by Swank, it has been determined that over a 20-week time period in 1955, Swank may have disposed of 20 total gallons of "still bottoms" at the Shpack Landfill which were co-mingled with normal trash. To date, The Travelers has been unable to confirm the existence of general liability policies in effect during the period of disposal. We are continuing our research to confirm the existence of any applicable policy in effect during this subject period.


In the interim, The Travelers is continuing its investigation of the captioned matter pursuant to certain rights specified in our August 7, 1990 letter.

Please keep me apprised of any developments in relation to the captioned matter.

patricia Truscelli, Esq.
April 12, 1993
Page 2

If you have any questions, please contact me at (203) 954-2958.

Very truly yours,



Eric L. Ellison
Account Manager
SLCU/Law, 6 PB

ELE917/blc

cc: Mary Lou Hutson, Hartford SLG

Roy Corso
Richardson-Cuddy Insurance Agency
8 Park Street - P. O. Box 388
Attleboro, MA 02703

Exhibit E



S. Russell Sylva
Commissioner

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Quality Engineering
Division of Solid and Hazardous Waste
One Winter Street, Boston, Mass. 02108

URGENT LEGAL MATTER - PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

March 5, 1987

Request for Information
pursuant to M.G.L. c. 21E
Re: Shpack Dump on Union St.,
Norton, MA and former open
burning dump on Peckham St.,
Attleboro, MA

Swank, Inc.
6 Hazel Street
Attleboro, MA 02703

Attention: President or Chief Operating Officer

To: Swank, Inc.

This letter concerns the existence of radioactive substances, heavy metals and volatile organic compounds (VOCs) in the soils and groundwater in and surrounding the Shpack dump on Union Street in Norton, Massachusetts and a parcel previously used as an open burning dump off Peckham Street in Attleboro, Massachusetts (herein together referred to as the site). This location is a federal Superfund site which is on the National Priority List.

This situation constitutes a release and a continuing threat of release of hazardous materials at and from the site. The prevention and mitigation of such a release and threat of release is governed by M.G.L. c. 21E, the "Massachusetts Oil and Hazardous Material Release, Prevention and Response Act" (hereinafter, M.G.L. c. 21E).

Pursuant to the Department of Environmental Quality Engineering's authority to perform information-gathering activities under M.G.L. c. 21E §§2 and 4, and its authority to

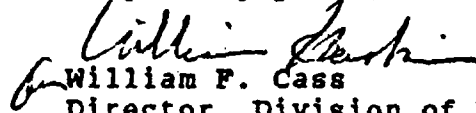
investigate, sample and inspect records, conditions, equipment, practices or property under M.G.L. c. 21E §8, you are directed to provide to the Department, within twenty-one (21) days:

- a detailed description of your company's past practices regarding transport and/or disposal of material containing radioactive substances, heavy metals and VOCs;
- copies of any and all bills of lading, manifests or other documentary evidence of said transport and/or disposal practices;
- any other information relative to the transport to or disposal and/or existence of radioactive materials, heavy metals or VOCs at the site which you may have in your possession or to which you may have access.

Sources for such information include, but are not limited to, business records; past and present company publications such as magazines, newsletters and annual reports; and interviews with present and former employees.

If you have any questions regarding this letter, you may contact Kristin Palace of the Office of General Counsel at 292-5568.

Very truly yours,



William F. Cass
Director, Division of Hazardous
Waste

cc: John Blundo, DEQE, Southeast Regional Office
Richard Cavagnero, U.S. EPA
Helen Waldorf, DEQE, Site Assessment Branch
Kristin Palace, DEQE, Office of General Counsel

SWANK, INC.SWANK, INC.
P.O. BOX 437 - ATTLEBORO, MASS 01703
(617) 232-0462

April 8, 1987

OFFICE
SEARCHED INDEXED

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Quality Engineering
Division of Solid and Hazardous Waste
One Winter Street, Boston, Mass. 02103

ATTN: Mr. William F. Cass
Director, Division of Hazardous Waste

Dear Mr. Cass,

Please refer to your letter dated March 5, 1987 and received by Swank March 20, 1987, regarding the Shpack Dump or open burning dump on Peckham Street.

Swank has no records or knowledge of any materials being disposed of at these locations.

If the Department has any records or other information which reflect the disposal of waste generated by Swank at either of these sites, please provide us with this information as soon as possible, so that we may conduct any further investigation which may be necessary.

All future correspondence with respect to this matter should be directed to the undersign.

Sincerely,

Raymond J. Hill
Raymond J. Hill
Sr. Vice President

Attachment O

**INDEX TO WITNESS SUMMARIES
SHPACK LANDFILL SUPERFUND SITE
JUNE 2006**

EPA is attaching summaries of interviews with Witness A - Witness JJ.

Note that for three of these witnesses, there are two separate interview summaries because EPA interviewed these witnesses twice. The witnesses with two separate interview summaries are: Witness B, E & L.

The following is an index to assist in identifying which witnesses provided information with respect to particular generator and transporter PRPs:

L.G. Balfour Company, Inc.

Witness E, F, L, T, AA, DD, EE & FF

David J. Brask

Witness L, S, T, U & GG

CCL Custom Manufacturing, Inc. (Puritan Aerosol)

Witness U

ConocoPhillips

Witness K, T, U & II

General Cable Industries

Witness U

Handy & Harman

Witness A, E, V, BB, CC, EE, II, & JJ

International Paper Company

Witness S, T, GG & HH

INDEX TO WITNESS SUMMARIES

Page 2

Swank, Inc.

Witness E, L, T, EE & FF

Teknor Apex Company, Inc.

Witness K, T, U & II

Texas Instruments

Witness B, C, D, L, T, W, X, Y, Z, BB & FF

Waste Management, Inc.

Witness F, L, S, T, U & GG

SUMMARY OF WITNESS INTERVIEWS (2003-04)
SHPACK LANDFILL SUPERFUND SITE

SOURCE	DATE INTERVIEWED	EVIDENCE / COMMENTS
Witness A	April 8, 2004	Worked as a secretary at Attleboro Refining Co. 1952-1965. ARC was in business of refining scrap metals, as well as refining "retort" mercury. ARC received scrap metals, floor sweepings, metal shavings and anything else that had reclamation value from companies including TI, Balfour, Jacoby-Bender, Robbins Company, and Sandia Corporation (whose product was processed for reclamation of silver, gold and platinum). The refining process ARC used involved the use of sulfuric acid and "cyanide eggs" (but Witness does not believe that waste from use of cyanide eggs was sent to Shpack or Attleboro). ARC sent 55-gallon drums containing scrap generated from their refining operations to the Shpack and Attleboro dumps, as well as other locations such as England and Irvington, NJ.
Witness B	May 18, 2004	Witness knew Isadore Shpack personally. Reported that Texas Instruments sent two (2) trucks loaded with rubbish to Shpack Dump 2-3 times per day, and personally saw 55-gallon drums from TI come to the Shpack Dump. Witness stated that he personally saw trucks pull in across the street at the Attleboro Dump and back onto the Shpack Dump to dump their loads.
Witness C	March 16, 2003	Witness knew Isadore Shpack personally. Reports that Metals & Controls (TI) brought steel fixtures, motors, generators, scrap metals and 55-gallon drums containing chemicals to the Shpack Dump.
Witness D	November 19, 2003	Witness worked for the Norton Fire Dept. Personally observed, on many occasions, stake body trucks marked "Metals & Controls" transporting material to the Shpack Dump.

Witness E	June 17, 2004	Witness's brother (deceased) worked for L.G. Balfour for 35 years, hauling trash to Attleboro Landfill.
Witness F	December 10, 2003	Witness observed that Fontaine Trucking Company "always" dumped material at the Shpack Dump. Witness also recalls that DeMayo Trucking and Hank Vickering Trucking used the Shpack Dump.
Witness G	April 15, 2004	Witness did not recall information regarding particular materials or users associated with the Site.
Witness H	February 20, 2004	Witness is a former driver. Witness is elderly and has little memory of the Site.
Witness I	February 23, 2004	Witness worked for Attleboro Fire Dept. Has little memory regarding the Site.
Witness J	March 11, 2004	Witness worked for Attleboro Fire Dept. Has little memory regarding the Site.
Witness K	January 30, 2004	Witness worked for the Attleboro Health Dept. Believes that debris from Thompson Chemical fire was brought to Shpack Dump in 1964. Knows Al Dumont personally and believes Dumont knew exactly what he received and where it was placed on his land. Witness stated that Dumont would send anything of a hazardous nature to Shpack's dump.
Witness L	February 23, 2004	Witness stated that Fontaine Trucking hauled household rubbish to the Attleboro Landfill.
Witness M	June 16, 2004	Witness is a former employee of Engelhard. Had no knowledge of where Engelhard sent its waste material.
Witness N	May 12, 2004	Witness worked at the North Attleboro Dump, and was not associated with either the Attleboro Dump or the Shpack Dump.
Witness O	March 1, 2004	Witness worked for the Attleboro Fire Dept. Had little memory of the Site.
Witness P	February 20, 2004	Witness could not be reached for an interview.
Witness Q	February 17, 2004	Witness worked for Attleboro Fire Dept. Could not be reached for an interview.

**SUMMARY OF WITNESS INTERVIEW
SHPACK LANDFILL SUPERFUND SITE**

Summary of interview with Witness E (follow-up interview on August 2, 2005) (see prior interview summary, for interview of June 17, 2004).

Witness E reiterated that his brother (deceased) leased his trucks to The Balfour Company and drove them for 35 years. Witness E drove part-time for his brother, mostly on Saturdays. Witness E also worked for Balfour for 40 years. Balfour had one closed in van, which Witness E drove. He hauled small stuff from the company to other locations, mail to the post office, and things of that sort. He did not haul trash or waste for or from Balfour.

Witness E reiterated that his brother had hauled a little bit of everything from Balfour to the Attleboro dump. His brother hauled paper, bricks, lumber, old window frames and any other trash-stuff that was being dismantled at Balfour.

Balfour burned to reclaim precious metals, and ash went to Attleboro Refining (now Handy & Harman). Witness E stated that paint and oil went to the Wall Street Site, which is located behind the "ESO Bigney Building" on the corner of Wall and County Streets. The Wall Street Site is still there. Businesses continue to bring paint and batteries to the Wall Street Site today. There were four to five factories within the Bigney Building that had waste that went to the Attleboro Landfill.

Witness E saw the following haulers/companies at the Attleboro Landfill: A-1 Trucking for Makepeace (Engelhard), Gamache Trucking, Attleboro Refining Trucks, and Swank Company trucks. These haulers were observed on a daily basis going to the Attleboro Landfill or at the Attleboro Landfill.

The Balfour Company did not own any trucks of their own, the company leased trucks from Witness E's brother. Witness E's brother owned one dump truck, one garbage truck, one pick-up truck, and two jeep trucks with snow plows. Witness E's brother did snow-plowing work during the winter months.

The Balfour plating waste went to the Attleboro Refinery on Union Street. The other waste from Balfour "had a little bit of everything" in it, regular junk, paper, wood, window frames, that sort of stuff went to the Attleboro Landfill.

Witness E stated that he was drafted into the Army in 1942. He served in the Army until 1946 - 47. After 1946 - 47 on, he remembers Attleboro Dump being a burning dump. To the best of his recollection, Attleboro Dump was always a burning dump. Witness E's brother was hauling from businesses, and taking their waste to the Attleboro dump in 1947, long before 1966.

SUMMARY OF WITNESS INTERVIEW SHPACK LANDFILL SUPERFUND SITE

Summary of interview with Witness L (follow-up interview on September 26, 2005, with follow-up telephone call on September 27, 2005) (see prior interview summary, for interview of February 23, 2004)

Interviewer presented Witness L with a map of the Shpack Site. During the interview, witness identified areas of the map to which he was referring. The "marked" map is attached.

Witness L was in the service until about 1966 or 1967. At about that time, he purchased his father's trucking business. From 1968 and onward, he used the Attleboro Landfill. He never used the Shpack Landfill.

The gate he used (from 1968 onward) for the Attleboro Landfill is marked "A" on the map. The area he dumped in is marked "B" on the map. The entrance to the Shpack Landfill is marked "AA."

Texas Instruments (TI) had back-end compactor trucks that used Attleboro in the period from 1968 onward.

As a youth, he would ride with his father on weekends; and sometimes during the week, particularly during the summer. He estimates that the time frame, in which he recalls the Attleboro and Shpack dumps, as a youth, is when he was 10 or so years old. That was 50 years ago or approximately 1955.

The following are Witness L's recollections as a youth when he rode with his father to the Attleboro dump (circa 1955) -

His father used the Attleboro dump and never used the Shpack dump. His father used Attleboro for at least 15 years up to 1967, when he sold the trucking operation to Witness L.

[Interviewer Note: Witness L pointed generally to the area of the gate marked "A" when asked where the entrance was that his father used. He was not more specific.]

The Shpack dump entrance is marked "AA" on the map.

Witness L saw Metals and Controls trucks go into the Shpack dump through gate "AA." There were no "packers" (compactor trucks) in those days. He never saw its trucks use the Attleboro dump in this time period.

The area of the Shpack and Attleboro dumps was flat with burning going on "all over;" in both the Attleboro and Shpack areas. The areas burned "all the time."

There was a dozer at the Attleboro dump that was used to manage the fires. He believes that it was a City of Attleboro dozer that was used to move ash around.

He has no recollection of the dozer being used to move waste around.

He has no recollection regarding power poles or power lines in or near the dumping area.

He has no recollection of seeing barrels being disposed of or being present at the dump.

He has no recollection of his father's customers or what the waste was; it was likely general rubbish.

The City of Attleboro had its own trucks that used the Attleboro dump. Additionally, "two guys" that later formed Goditt & Boyer used the Attleboro dump during this time. He cannot recall other Attleboro site users.

[Note: Interviewer then read the names of several entities: Thompson Chemical, Attleboro Refining, American Sisalkraft, Engelhard, Swank, Balfour, General Cable, Puritan Aerosol] Witness recalled that "Thompson Apex" blew up while he was in the service. He recognized all the names and now recalls (after being read the names) that Swank and Balfour had both used the Attleboro dump in that era. Swank used its own trucks; Balfour used DeMayo.

[Note: Interviewer asked specifically how he knows with certainty that Swank and Balfour used the Attleboro dump in that era (circa 1955).] Witness L responded:

Balfour:

In those days, DeMayo (hauler) only worked for Balfour. Mr. DeMayo may have earlier been a Balfour employee, been injured somehow and given the hauling job. He saw DeMayo trucks disposing of waste at the Attleboro dump. He "just remembers" seeing cardboard waste.

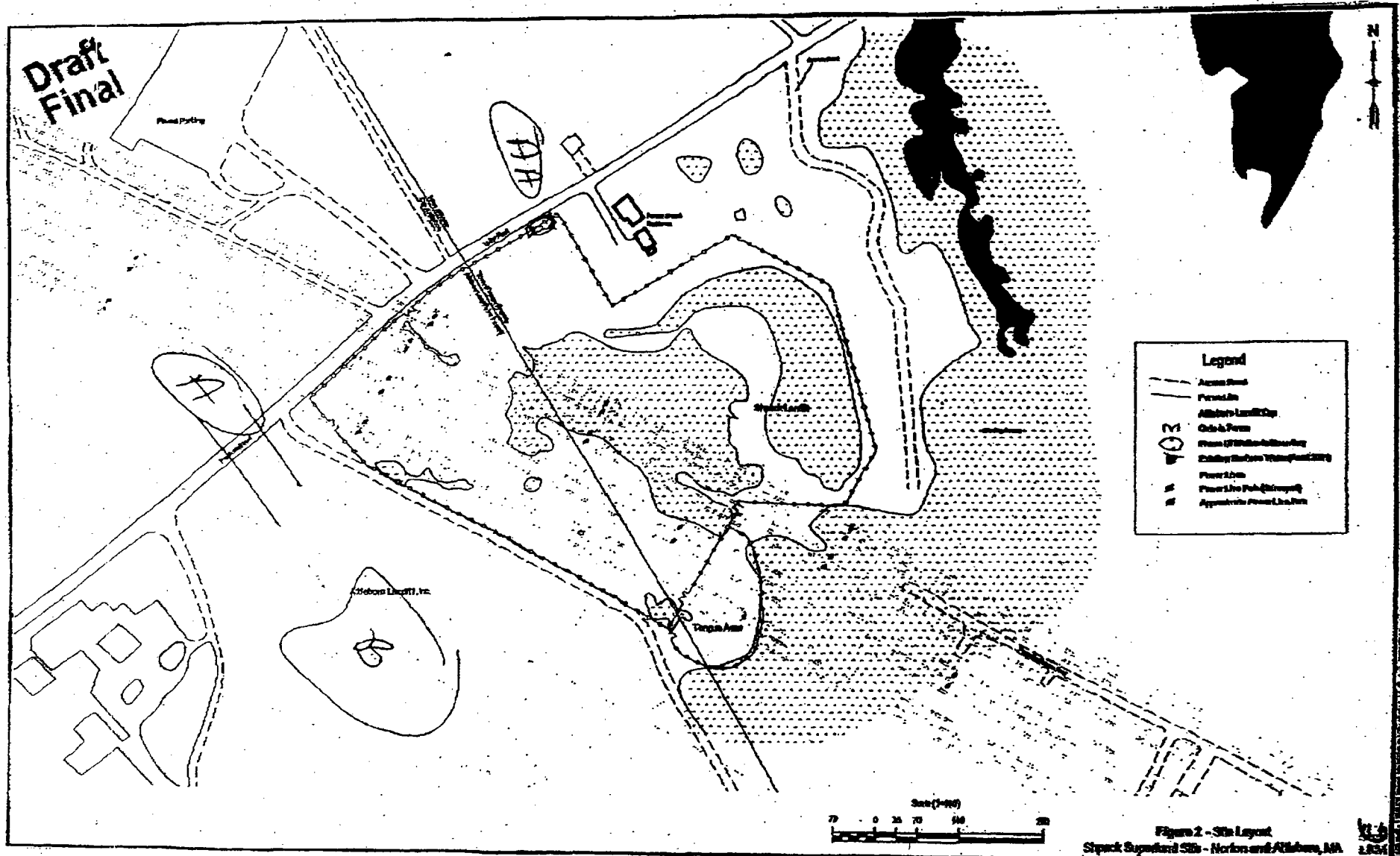
Swank:

He saw the name "Swank" on the side of trucks that were disposing of waste at the Attleboro dump. He saw it often enough to remember it now.

In general, Witness believes (but cannot say from any personal knowledge) that any company that worked in Attleboro during that era would have used the Attleboro dump. It was even too far to drive to North Attleboro to dispose of your waste. "If you do business in Attleboro, you do all of your business in Attleboro."

9/26/05 @ 9:30a.m.

Map marked by Witness L



SUMMARY OF WITNESS INTERVIEW SHPACK LANDFILL SUPERFUND SITE

Summary of interview with Witness T (interviewed on December 14, 2004 and March 15, 2005).

Witness worked for Goditt & Boyer, driving "roll-offs" trucks from 1964 until 1978, and worked for another trucking company from 1978 until 1988. He states that he has never dumped at the Shpack Parcel, but during the early years, he dumped at the Attleboro Landfill. Witness hauled waste from many locations, most of which, was dumped at the Attleboro Landfill. When he hauled and dumped at the Attleboro Landfill, he would dump the loads wherever the bulldozer operator was working that day. While driving for Goditt & Boyer, Witness said that on occasions, while dumping at the Attleboro Landfill Site, he observed previously dumped materials being pushed onto the Shpack property. Sometimes Shpack and Dumont would argue about the materials pushed onto the Shpack property.

During the early years of working at Goditt & Boyer, Witness observed six-wheeler, stake-body trucks with high sides loaded with barrels drive into the Shpack property and dump them on the property. The barrels would be dumped along the back of Shpack's property. There would be approximately 20 - 30 barrels per truck load. Shpack was in the re-cycling business and he would re-cycle all types of metals.

Witness collected waste from Texas Instruments, located on Route 123 in the Attleboro area. He drove an open top truck. He picked up waste including old air conditioners, cardboard, wooden pallets, scrap metals, regular trash, and all kinds of containers and barrels (1-gallon, 5-gallon, 10-gallon, 20-gallon, and 50/55-gallon barrels). Witness stated that the drums looked empty but there was some residue inside some of them. The residue was of a liquid type and had what he described as a 'methanol' odor. Another odor associated with the loads was that of perhaps a cleaning agent. Witness has no idea what was in the containers, except the ones that were marked "paint" had dried paint in them.

Witness collected waste from a company by the name of Sisalkraft in Attleboro, off of Route 123. Sisalkraft is now Fortifiber. Witness collected waste from this location from 1964 until 1988. He hauled from Sisalkraft while he worked at Goditt & Boyer and, after 1978, while working for another trucking company. These loads went to Attleboro Landfill. The loads consisted of different types of wrappings, insulations, tar paper, fiberglass reinforced wrappings and regular paper. The recognizable odor emitting from the loads was that of an isopropyl alcohol odor.

Witness also picked up wooden pallets from Balfour, Swank and American Steel, and boxes, regular trash and new 'defective' clothing and furniture items from Ann & Hope.

Witness was an employee of Thompson Chemical Company from 1960 to 1964, and he worked there at the time of the fire in 1964. He was a "bagger" of vinyl resin, his job was to fill the 50 pound bags with vinyl resin. At the time of the explosion, Witness was working in the building next to the building that exploded. Witness believes that the debris from the Thompson

Witness T
Page 2

Chemical Company fire went to the Attleboro Landfill.

SUMMARY OF WITNESS INTERVIEW SHPACK LANDFILL SUPERFUND SITE

Summary of interview with Witness EE (interviewed on April 5, 2006; follow-up telephone call on April 9, 2006)

The following is a summary of Witness EE's remarks:

ARC's Union Street Facility

Witness EE worked for Attleboro Refining Company (ARC) at the Union Street facility for about a year and a half (1.5 years) in 1961 and 1962. He never worked at ARC's East Street facility.

On Saturdays, he would drive ARC's Union Street waste to the Dumont dump and dispose of it in the general area indicated as "A" on the attached map. He did not dump waste at the Shpack dump and is not aware of its operations.

Union Street waste included "skids," paper, office trash and rusted barrels. He would know if other waste left Union Street and is not aware of any. "No liquid waste went out of Union Street." Any incoming liquids were consumed in the reclamation process.

The Dumont dump area was constantly burning and smoldering. At times the area was wet. He would check with Al Dumont on specifically where to dump. A bulldozer was always on site in the general burning area.

He does not recall seeing power lines at the site. He does not recall seeing barrels, other than the rusted barrels he dumped.

An "X" on the attached map indicates the location where a house once stood.

Leo Parenteau was the only other waste driver at the time and he is deceased (over 20 years ago).

The principal operation at the Union Street facility was gold, silver and some platinum refining.

Companies from MA, RI, NY and NJ would send in liquids and sludge for reclamation of precious metals. Mostly it was liquids.

Each customer's incoming product was kept separate from others to isolate its reclaimed product. The liquids (or sludge) were put into a mixing pit and sawdust was added. He sometimes did the mixing. The mixture was burned, dried, and the residual metals recovered. In some cases, the residual matter from the burning was sent to England for further processing.

He does not recall liquid waste leaving the facility for disposal, in that it was consumed in the reclamation process.

Some incoming product was a metal solid and consisted of a mixture of metals. The solid product would go into a furnace, where the molten metals could then be separated by skimming.

A driver, Floyd Clum (deceased 30 years ago) would drive to NY and bring customer product to the facility. Possibly, he also drove back the processed gold and silver to the customers.

During the week, Witness EE delivered processed gold and silver back to ARC's local customers.

(Interviewer read a list of company names and asked if Witness saw them or others at the Dumont or Shpack dumps.) Other companies' trucks that Witness saw at Dumont's dump were Shields, Balfour and Swank. "Every company in Attleboro went there."

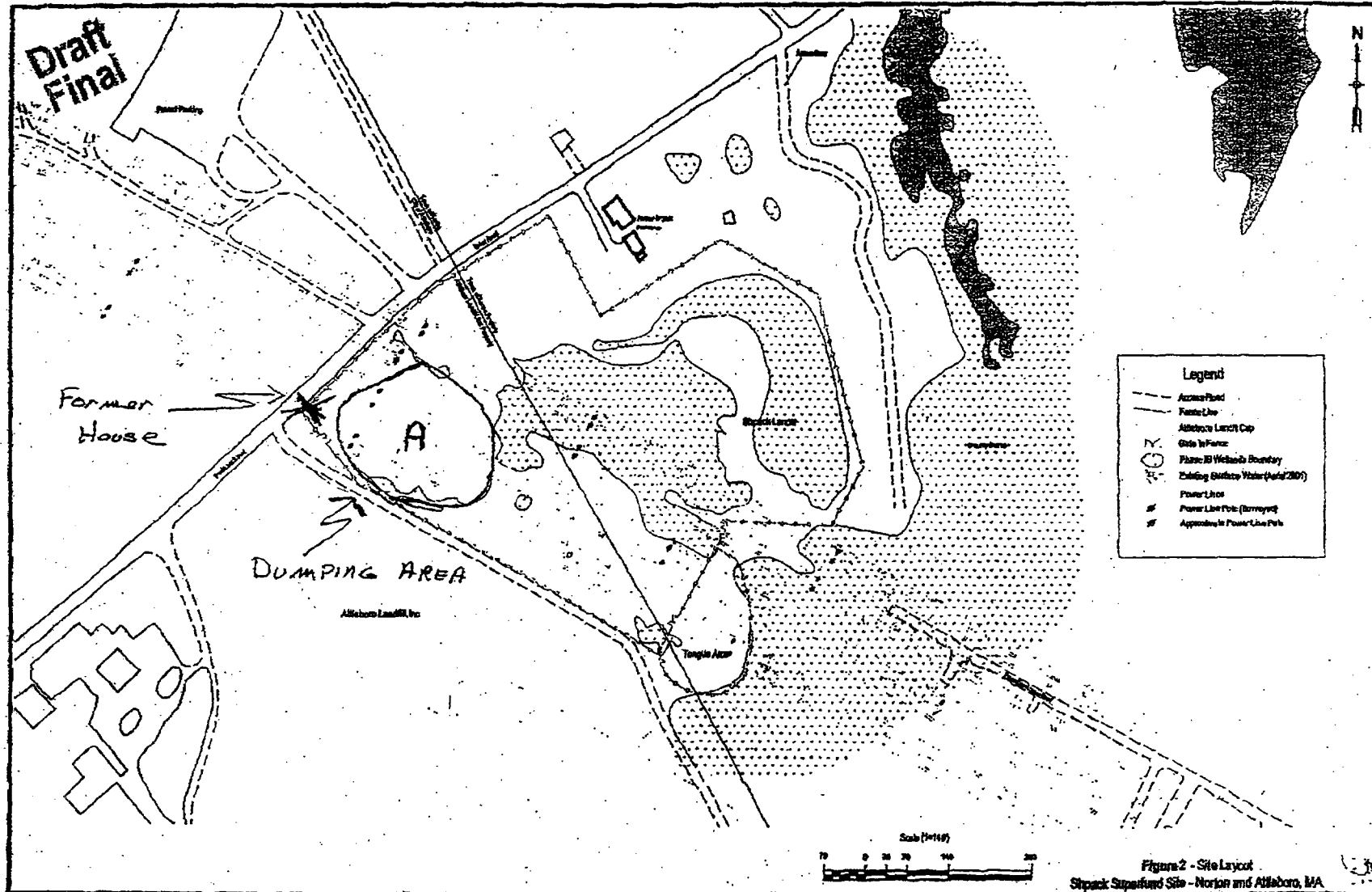
Witness specifically did not recall seeing trucks identified as General Cable, Puritan Aerosol, or Sisalkraft, noting that Sisalkraft did not own its own trucks.

ARC's East Street Facility

Witness does not know East Street's production operations and has no knowledge of its wastes.

April 5, 2006

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**SUMMARY OF WITNESS INTERVIEW
SHPACK LANDFILL SUPERFUND SITE**

Summary of interview with Witness FF (telephone interview on April 7, 2006, follow-up telephone call on April 11, 2006)

Witness FF is a former employee of the Balfour Company.

Witness FF worked for Balfour as a driver and maintenance man for 35 years starting in 1964. He retired six years ago.

Witness FF hauled Balfour waste to the Dumont dump making one trip per day. He never went to the Shpack dump.

In the earlier years, he dumped in the burning dump area and later in the larger Dumont dump area.

"Balfour dumped for years at Dumont" before he began at Balfour.

Balfour waste brought to the Dumont dump included: maintenance trash, lumber, old metal window frames, rags covered with cleaning agents, liquid and solid molding/casting plaster (white color), metals, and possibly "coloring" department waste.

The "coloring department" is the plating department where rings are coated with precious metals. He is not certain that "coloring department" waste was included because "the waste was covered." On occasion, the wet plaster would leak out of the trucks on the way to the dump and leave a "white trail."

Other than the wet plaster, liquids were not in the waste.

"Everyone went to Dumont," with their trash. Over the years, he saw Swank, Shields, Texas Instruments and Mossberg Tool dumping at Dumont's dump. He cannot say with certainty that they dumped at Dumont before 1966, but "it is likely."

Balfour had a warehouse in Norton where it stored paper records. Paper waste from there went to the Pine Street dump.

Earlier Balfour drivers included Armand DeMayo and Joseph Cavillerri (deceased). Witness was the last of the Balfour drivers.

At some time in the 1970s, Balfour stopped dumping at Dumont and built an incinerator on-site. On one occasion, the incinerator's black smoke drew the attention of a State Police helicopter and the burning ceased thereafter.

Attachment P

Attleboro Redevelopment Authority
Bronson Business Center
8 North Main Street, Suite 403
Attleboro, Massachusetts 02703
508-222-4012
www.cityofattleboro.us/ARA.htm



Don Smyth, Chairman
Preston Stevenson III, Vice Chairman
David Ramsay, Treasurer
Max Volterra

Michael Milanoski, Executive Director

R01-06-C-023a

December 14, 2005

6-17 Hazel Street

Ms. Diane Kelley
Regional Brownfields Coordinator
U.S. Environmental Protection Agency
One Congress Street, Suite 1100 (Mail Code HIO)
Boston, MA 02114-2023

RE: Attleboro Brownfields Cleanup Grant

Dear Ms. Kelley:

I am pleased to submit herewith, on behalf of the City of Attleboro Redevelopment Authority, this application for EPA FY2004 clean-up grants funds in the amount of \$200,000.00 to help finance our *Brownfields Clean-up Project - Swank, Inc.* The applicant is the Attleboro Redevelopment Authority. The purpose of this grant application is to remediate a brownfield site where concentrations of vinyl chloride have been found at 365 times the allowable limit located immediately adjacent to 6-17 Hazel Street in the City of Attleboro, Massachusetts. The City is located in is located in Bristol County, which is comprised of twenty Southeastern Massachusetts communities. According to the Federal Census Bureau, the City's current population is 42,068. The population in the immediate target area is approximately 10,000 persons. As for *special considerations*, please note that the City of Attleboro was designated an Enterprise Zone by the Commonwealth's Economic Assistance Coordinating Council and is empowered to negotiate tax exemption agreements such as TIFs to help stimulate economic development in our City.

As is the case with most other communities throughout the Commonwealth, particularly cities, the City of Attleboro has its share of brownfield sites. Considering its legacy as an old, manufacturing city, with its roots in jewelry, brownfield sites are not uncommon in Attleboro. Many of its industrial sites were, and some still are, located along the City's waterways predominantly along the Bungay River and the Ten Mile River. Fortunately, the ARA and the corporate-base has been able to manifest successes from the calamities that brownfield sites tend to exude. Enclosed within the application there are two recent brownfield site successes that we believe demonstrates not only our resolve to assault them, confront them with confidence, and succeed but also demonstrates our ability to effectively manage and remediate them.

The City of Attleboro will benefit immensely from this grant — from cleaning-up a brownfield site and re-establishing a productive employment and tax generator to helping to stimulate a fairly distressed, inner-city, neighborhood. The targeted site for the cleanup is included downtown specifically Census Tract 6316. Census Tract 6316 is one of two satellite census tracts to the City's urban core/central business district (the other being Census Tract

6315). The site occupies an area of 6± acres and has been used as a heavy industrial manufacturing plant/facility since 1900 and the extent of any contamination has not been monitored since the turn of the century. It is our position that considering the type of use that has occupied the site over the course of the last 100 years, the likelihood of it being a brownfield site is highly plausible given the concentrations of vinyl chloride (a known human carcinogen) found at 365 times the allowable limit. Both the site and building are grossly underutilized and thus grant will remediate a brownfield site. This alone will have a positive impact not only to the environment, but also to the businesses and residences in the immediate vicinity. However, the clean-up that the grant will help finance will have additional, far-reaching, benefits. The resultant benefits of the grant/project will also include:

- ✓ remediating Brownfields sites;
- ✓ improving the natural environment;
- ✓ facilitating a new user which will employ upwards of hundreds employees in the local economy and creating employment opportunities for neighborhood residents;
- ✓ increasing the City property tax rolls;
- ✓ create new mixed income housing units adjacent to the commuter rail line;
- ✓ helping to stop the incipient decline of a distressed neighborhood by eradicating, for all intents and purposes, a vacant, cavernous buildings and other dilapidated eyesore;
- ✓ complementing/solidifying the other corporate citizens in the City of Attleboro industrial sphere;

The Chief Executive Officer of the Attleboro Redevelopment Authority is Chairman Donald Smyth who may be contacted by telephone at 508.828.5448, by facsimile at 508.828.5404, by e-mail at don.smyth@bcsbmail.com, and by mail at 8 North Main St. Suite 403 Street, Attleboro, MA, 02703.

The partnership with US EPA has been a source of hope for the neighborhood residents. The current Brownfields effort has brought resource to the neighborhood and is helping to involve the neighbors in the process of identifying risks and eliminating them. This partnership helps us develop that a stronger bridge between what has been considered an alienated neighborhood and funding sources that the community desperately needs. Through coordinated efforts, significant progress has been made in addressing environmental, social, and economic issues.

The City administration and community are fully behind this initiative. Thank you in advance for your full consideration of this request and for your partnership with the City of Attleboro. Should you have any questions or require any additional information, you may contact me by telephone at 508.222-4012, by e-mail at mmilanoski@verizon.net, and by mail at 8 North Main St. Suite 403 Street, Attleboro, MA. 02703.

Sincerely,



Michael Milanoski, CECd, AICP

City of Attleboro Redevelopment Authority
Cleanup Grant Application
December 14, 2005

A. Application Eligibility

The applicant, the Attleboro's Redevelopment Authority (ARA), is a Body Politic of local government in the Commonwealth of Massachusetts, as such, is eligible to apply for funding under EPA Brownfields RLF Grants Program under MGL 121B. In 2004, EPA awarded to the ARA an assessment grant via Brownfield Cooperative Agreement.

B. Community Notification

In addition to discussing this topic at monthly open public meetings with the ARA and televised public meeting with the City Council the ARA placed a notice in the local major media (The Sun Chronicle Newspaper) notifying the community of the ARA's intent to apply for funding under the EPA Brownfield Revolving Loan Fund Grant programs as well as posting the public notice as required on Massachusetts General Laws for open public meetings. Specifically, the notice indicated that the ARA is submitting a community wide application to EPA and that the full version of the application was available for public review on December 6, 2005 with a one week comment period; and that a public comment period meeting was held on December 9, 2005 by the ARA. A copy public notice is contained as **Attachment 1**.

C. Letter from State Environmental Authority.

A copy of a current letter dated December 12, 2005 from the Massachusetts Department of Environmental Protection is contained in **Attachment 2**.

D. Site Eligibility and Property Ownership Eligibility.

1. a.-b.) 6-17 Hazel Street, Attleboro, MA
There are multiple separate legal parcels for assessment. Individual lots are shown on the Attleboro City Assessor's Map No. 42 as Lots 169-177, 263-265, 279-281, 299, 301 and 302. (See enclosed map)
Site Buildings: Hazel Street
Parking Lot: Intersection of Pearl Street and O'Neil Boulevard-Northwest quadrant
Parking Lot: Intersection of Pearl Street and O'Neil Boulevard-Southeast quadrant
Parking Lot: Intersection of Pearl Street and O'Neil Boulevard-Northeast quadrant
c.) Testing wells off-site immediately adjacent to the property suggest a plume of vinyl chloride, a known carcinogen; at a concentration of 730 parts per billion with the reported allowable concentration is 2 parts per billion and phase one analysis points to manufacturing practices that could lead to such contamination.
d.) The site has been used for the manufacturing of jewelry and belt buckles for over 80 years. The main parcel was initially developed in early 1901 by Attleboro Manufacturing. By 1911, a factory store, automobile and "gas" houses, coal shed and other storage sheds had been constructed at the property. By 1924, the "gas" house was replaced by an underground storage tank (UST) containing gasoline. By 1947, the building had been developed into its present footprint, with a three story brick building constructed in place of the automobile house and UST. The coal shed was also replaced by a boiler room. Dust collectors and a 125,000-gallon aboveground storage tank (AST)

containing water for the plant's fire suppressant system were built at this time. (Although the AST has since been removed).

Until 1999, the site manufactured jewelry at full capacity and used three nearby parcels for employee parking. Approximately 800 employees worked at the site until 1999 when downsizing reduced staff to less than 100 administrative positions and ceased all manufacturing operations on the site.

e.) The primary environmental concern is the continued spread of vinyl chloride due to the proximity of the site to a residential neighborhood and the regional hospital.

2. No need for site determination at this time.
3. At current time this site is not a.) listed on the National List b.) not subject to any orders under CERCLA by any party and nor is this site c.) controlled or subject to control by the United States Government.
4. Manufacturing at the facility included the use of oil and hazardous materials throughout the plant. Production operation began on the first floor in the tool room where numerous small to medium sized machines existed (hydraulic press, jigsaws, sanders, lathes and other cutting tools). A phase one assessment showed some machines contain swarf (metal chips) coated with oil. Sinks at two locations contained acids and other flammable solvents stored in reagent bottles. Epoxies and lacquers were used to coat machinery that dipped manufactured materials on the plating line. Evidence of oil staining is sporadically present on flooring throughout some production areas. These materials and process of use may have resulted in discharges that would need to be remedied. Three plating lines were located on the second floor of the main building and have been decommissioned. Various chemicals such as acids, bases, solvents, cyanides, and metals (gold, silver and nickel) were used in the plating process. Corrosion of the floor beneath the plating area has occurred in certain areas through the thickness of the second floor slab, onto the first floor beneath. The floor boards under the plating machines that are stained by these materials must be removed by a licensed professional. Existing infrastructure such as drain pipes which carried these chemicals will need to be removed as well.
Potential asbestos containing materials are located throughout the building on piping, particularly in the boiler room. It may be present in window glazing and roof trim flashing as well. Based on the construction date of these buildings (1901-1947), lead paint is of concern as well and would need to be tested and remedied if there is indeed lead paint.
5. a.) An updated phase one assessment was conducted in March 2004 by Sage Environmental.
b.) Assessment of the property is estimated to cost up to \$400,000.
c.) The source of funding for the Phase II assessment will come from grants and appropriations the Redevelopment Authority has received over the past year for this project. Including but not limited to \$350,000 from the HUD-VA appropriations bill and \$1,900,000 from a HUD BEDI grant with matching HUD 108 at \$2.85 million.
d.) There is an aggressive two year plan to have all the assessments completed and remediation work to begin.
6. According to the State Department of Environmental Protection's Brownfields coordinator, there are no known additional hazardous materials than those listed above.

- 7.
- a.) The transfer of property to the City of Attleboro Redevelopment Authority will be done by purchase. Swank Inc, is a willing seller and the city is a willing buyer. The transfer of property to the City of Attleboro Redevelopment Authority will be done at closing that is scheduled for January 15, 2006 and will in no way further contaminate the site. Our goal is to immediately clean the site and turn it over for full re-use to an entity that has a job commitment of 350 jobs
 - b.) The City of Attleboro Redevelopment Authority is not responsible for any environmental concerns at this site as all contamination occurred prior to ARA acquisition.
 - c.) A phase one assessment was conducted in March 2004 by Sage Environmental. Little if any change would have occurred as the current owner has ceased using the site for manufacturing and has only had administrative offices at the site since 1999.
 - d.) The City of Attleboro Redevelopment Authority is not responsible for any environmental concerns at this site. The City of Attleboro Redevelopment Authority is in no way potentially liable for any contamination at this site. The City of Attleboro's Redevelopment Authority has no relationships with potential liability to the best of our knowledge.
 - e.) Swank, Inc is the current property owner and has owned and operated at this location for the past 80+ years. The relationship with Swank is that they are a willing seller and the Redevelopment Authority is the willing buyer.
 - f.) The City of Attleboro Redevelopment Authority is not responsible for any environmental concerns at this site.
 - g.) It is in the City of Attleboro's and the Redevelopment Authority's best interest to comply and assist with any and all parties involved in the clean-up effort of 6-17 Hazel Street. The Redevelopment Authority has every intention of doing-so.

E. Cleanup Authority and Oversight Structure

1. The ARA has extensive experience in Brownfields Redevelopment including complying with all state and federal laws to ensure that the cleanup protects human health and the environment. In addition to the ARA staff, environmental consultants and license site professionals hired by the ARA under a competitive procurement provisions of 40 CFR 31.36, the City of Attleboro has a full-time environmental planner who has the technical expertise and training to monitor all assessment and clean-up projects. The State Department of Environmental Protection and the ARA have developed a partnership and will be working together on the project. Therefore depending on the details of the site under remediation, the ARA will prepare the appropriate oversight based on the site specific issues from the ARA's broad team of professionals and consultants. In addition the ARA will require subgrant recipients to enroll in a state response program. Also, the ARA will require all subgrant recipients to provide the ARA with right of access and ability to secure sites in the event of an emergency or default on a loan agreement or non-performance under a subgrant. The ARA will have the legal authority to access and secure all sites that are recipients of a loan or subgrant. See attached letter from the ARA's Legal Council that is contained as **Attachment 3**.
2. At this time it has not been determined if we will need access to adjacent sites. The property sits on one entire city block and therefore is bound by streets and roads.

Through off-site immediately adjacent to the site drilling, we have found vinyl chloride concentrations. It has not been determined if they come from the project site or to what extent it spreads. However we are dedicated to remediation of the issue to comply with all EPA standards and requirements. In addition, we have the full support and a great working relationship with the city, local officials, state representatives and agencies and our Congressional delegation. It is certain we can work cooperatively with them and any neighbors, if necessary, to have full access for clean-up.

F. Cost Share

The ARA will provide the require 20% cost share match through a combination of fees, non-ARA cost share match funds, ARA funds, labor, materials, or services that would be from a non-federal source. The ARA will leverage and require all subgrant recipients to provide twenty percent of their project costs to the cleanup projects. Therefore the program will be established such that it will only fund eighty percent of each project costs thereby leveraging other private funds and spreading out the benefit of the cleanup to additional projects and more private investment.

Ranking Criteria for Cleanup Grants

A. Cleanup Grant Proposal Budget Description

The ARA is applying for a cleanup grant and will target downtown depressed areas that are contaminated by hazardous substances, pollutants, or contaminants including hazardous substances co-mingled with petroleum.

Budget Categories	Project Tasks for cleanup grant			
	Task 1 Programmatic Costs	Task 2 Operating the Fund		Total
Personnel	15,000			58,650
Fringe Benefits	2,250			10,350
Travel**	4,000			4,500
Supplies	500			1,500
Contractual*	2,250			15,000
Grants		180,000		180,000
Subtotal	20,000	180,000		200,000
Cost Share	4,000	36,000		40,000
Total	24,000	216,000		240,000
Grand Total				\$240,000

* The ARA will comply with procurement procedures contained in 40 CFR 31.36

** Travel is for staff to attend annual Brownfield-related training conferences.

Task I – Programmatic Costs

The ARA will establish an information repository, encourage public comment, and respond to any related concerns raised by the community. The ARA will prepare a Quality Assurance Project Plan (QAPP) for the sites eligible for cleanup. Public meetings will be advertised. Quarter of the full-time equivalent of dedicated staff time is programmed in this task to manage and market the entire cleanup program. The ARA marketing of this program will be done under this task on a city wide basis as well as the ARA will identify sites and potential reuses and markets for side redevelopment.

Task II – Operating the Fund

The ARA will make grants available as further discussed in this application and work with developers to fund the cleanup.

B. Community Need

1. The target community is the City of Attleboro, Massachusetts and the cleanup will be targeted to the downtown. Attleboro covers an area of 28.29 square miles. The City has a Mayor/Council form of government and is included in the 3rd Massachusetts Congressional District. It is located in Bristol County and is located 32 miles from Boston, 12 miles from Providence, Rhode Island, and 197 miles from New York City.

The City is served by an extensive federal and state highway system, a regional transit authority, rail service and nearby air service. The Greater Attleboro Taunton Regional Transit Authority is the regional public transportation system in the City. Attleboro is also located on the MBTA's Stoughton commuter line, which connects Boston to Providence with two commuter rail stations within the City's boundaries — one is located in the heart of Downtown Attleboro.

The City's current population, according to 2000 data from Federal Census Bureau, is 42,068. The population has increased in every successive decade since 1900. Between 1980 and 2000 alone, the City's population increased by 23%, from 34,196 persons to 42,068 persons. The City's proportion of the City's population aged 60+ is growing. The median household income is \$50,807, which is well below the region's median (\$56,364) — 49.5% of Attleboro households have an income less than the median household income. The per capita income is \$22,660. In 1999, the percentage of persons living in poverty status was 6.2%. In 1999, there were 2,539 households below the poverty level. Of the 351 municipalities in Massachusetts: (a) Attleboro ranked 282nd in *equalized valuation per capita* in 1999, (b) Attleboro ranked 240th in *per capita income* in 1999, and (c) Attleboro ranked 225th in *median family income* in 1999. New residential construction averaged 140 building permits annually between 1990 and 2002. Between 1990 and 2000, the number of households increased by 13%, from 14,180 to 16,019. Notwithstanding this new growth, much of the City's current housing stock was built prior to 1940. Much of the pre-1940 housing stock is concentrated in the urban core with approximately 70% of all such housing units located in and around the urban core (Census Tracts 6314 and 6316).

According to available data from the Bureau of the Census:

- Census Tract 6316 and Census Tract 6314 contain the **highest percentage of minority populations** of the city's eight census tracts. While the minority population represents 8.7% of the total population, the minority population represents 22.4% of Census Tract 6316 and 19.6% of Census Tract 6314 (157% and 125% higher than the city-wide statistic, respectively).
- Census Tract 6316 and Census Tract 6314 contain the **lowest average family incomes** of the city's eight census tracts. While the city-wide median family income was \$59,112, the median family income was \$46,721 in Census Tract 6316 and \$47,361 in Census Tract 6314 (79% and 80% of the city-wide median family income statistic, respectively).
- Demographic data also reveal that the population density in Census Tract 6316 is the **second highest densely settled census tract in the City — second only to**

Census Tract 6314. The population in Census Tract 6316 was 4,203 persons and contains an area of 0.6 square miles. Hence, when extrapolating, the population density in Census Tract 6316 amounts to 7,005 persons per square mile. The population in Census Tract 6314 was 2,703 persons and contains an area of 0.3 square miles. Hence, when extrapolating, the population density in Census Tract 6314 amounts to 9,010 persons per square mile. For comparative purposes, the city-wide population density was 1,529 persons per square mile.

The City of Attleboro has been an employment center in Southeastern Massachusetts for decades and its reliance has been primarily on the manufacturing sector. In 2004, Manufacturing, the largest employment sector, represented 32.4% of total employment, followed by health care/social assistance (17.3%) and retail trade (11.9%), according to the Division of Employment and Training. Also, just as importantly, the City has a large skilled labor pool. Attleboro has long had a higher concentration of jobs in its manufacturing sector than the state as a whole; and while manufacturing employment is declining as the region shifts to a service-based economy, manufacturing remains important to Attleboro. Since 1983 to the present, the annual unemployment rate in Attleboro has consistently been higher than the state's annual unemployment rate. According to the Commonwealth of Massachusetts, Division of Employment Training, the Attleboro unemployment rate for 2004 was 5.5% as compared to the state's 2004 unemployment rate of 5.1%.

2. The City of Attleboro will benefit immensely from this grant — from cleaning-up a Brownfields site and re-establishing a productive employment and tax generator to helping to stimulate a fairly distressed, inner-city, neighborhood. The targeted sites are located in census tracts in the City's urban core/central business district. This grant will help assess and remediate Brownfields sites in the City of Attleboro's downtown. This alone will have a positive impact not only to the environment, but also to the businesses and residences within the City of Attleboro. However, the assessment and remediation that the grant will help finance will have additional, far-reaching, benefits. The resultant benefits of the grant/project will also include:

- ✓ remediating Brownfields sites;
- ✓ improving the natural environment;
- ✓ facilitating a new user which will employ upwards of hundreds employees in the local economy and creating employment opportunities for neighborhood residents;
- ✓ increasing the City property tax rolls;
- ✓ create new mixed income housing units adjacent to the commuter rail line;
- ✓ helping to stop the incipient decline of a distressed neighborhood by eradicating, for all intents and purposes, a vacant, cavernous buildings and other dilapidated eyesore;
- ✓ complementing/solidifying the other corporate citizens in the City of Attleboro industrial sphere;

The ARA is applying for funding under the cleanup grant because it is imperative to offer assistance to developers who are interested in redeveloping unproductive site to productive uses but given the cost of doing so vs. greenfield development that is less expensive and more easily available it is critical of offer incentive. These incentives such

as a low interest rate and subgrants, will allow the ARA to entice developers to invest their private dollars to assess and remediate brownfields.

The targeted downtown neighborhoods will benefit significantly if the cleanup is awarded as the removal of contamination and blight prevents further potential health risks to the residents. In addition developers will be strongly encouraged to incorporate smart growth elements into their projects that provide for opportunities to increase exercise, improve air quality, and stabilize and invest in the neighborhoods. These projects will also provide permanent jobs as well as temporary construction jobs that for a community that suffer from high unemployment rates, this is an important boost to the local economy as well as putting these properties back on the tax rolls with a productive use.

3. Brownfields are crippling economic and community development in the City of Attleboro which we have a significant number of Brownfields sites that number over 40 sites that have been inventoried in the downtown alone that are next to homes, schools, and waterways. However, we anticipate that there are significantly higher numbers of Brownfields yet to be documented. Considering its legacy as an old, manufacturing city, with its roots in jewelry, Brownfields sites are not uncommon. Many of its industrial sites were, and some still are, located along the City's waterways predominantly along the Bungay River and the Ten Mile River. Fortunately, the City and the corporate-base have been able to manifest successes from the calamities that Brownfields sites tend to exude.

The primary environmental concern is the continued spread of vinyl chloride due to the proximity of the site in a depressed residential neighborhood and near the regional hospital. Testing wells off-site immediately adjacent to the some of the targeted sites suggest a plume of vinyl chloride, a known human carcinogen; at a concentration of 730 parts per billion when the reported allowable concentration is only 2 parts per billion.

By remediating contaminated property, Attleboro becomes more appealing to business developers who would otherwise pass over Attleboro to purchase and develop properties in Greenfields and avoid the large and sometimes unknown cost of assessment and remediation. Brownfields have taken a huge toll on the economy of Attleboro, affecting residents in several ways such as higher taxes due to loss of industrial base, and not enough jobs for those who are unemployed, and the environmental consequences of these hazardous sites on the human body.

C. Sustainable Reuse of Brownfields

In conjunction with our regional Department of Environmental Protection, and their Brownfields representatives whom we are partnering with and working with them hand in hand to ensure that these projects are done in a manner to not only remediate the sites, but to make sure the means are in place to protect the environment in and around the property for years to come with the appropriate development regulations to achieve these goals

1. The funds from this cleanup will be an economic catalyst to prevent pollution and reduce resource consumption. The redevelopment of these brownfield sites into light industry productive properties will immediately reduce the contamination in the targeted neighborhoods by preventing further contamination of the rivers and adjacent lots. Development plans will include open space with plantings and trees, which will improve air quality and promote outside active living. The ARA is a participant in the LEED program and strongly encourages developers to participate in the program thereby illustrating the City of Attleboro's long-term commitment to preventing pollution and

reducing resource consumption through plan of more energy efficient construction. cleanup funds will entice developers to begin the expensive task of remediating and redeveloping blighted and slummed properties while preventing pollution and reducing resource consumption. All future developments and industry on sponsored sites will incorporate close loop systems of filtration as well as double lined AST and UST's. Any and all activities will fully comply with Federal EPA and State DEP rules and regulations to ensure the purest environment possible. In addition, utilities within the building, practical as possible, will be re-outfitted to be energy efficient.

2. The cleanup and development of contaminated sites will significantly contribute to the economy of the City of Attleboro and the greater Attleboro area. Permanent and temporary construction jobs will be created. This project will create over 350 new manufacturing jobs in downtown Attleboro that the company has committed to if all brownfield funding sources are secured. With these new jobs come a vibrant tax base and economic boost the city very much needs. This new company and its employees will spend their dollars at local business and restaurants, potentially relocate themselves within the neighborhood and at a minimum make use of the commuter rail train in the city. The surrounding roads, sidewalks and parking lots have practically been abandoned but will once again flourish as the new employees take to their jobs. All of these are economic and environmental benefits. Some of the surrounding property that are currently parking lots could potentially be resurfaced as open space and utilized by the employees and community-at-large as recreational sites, and in turn furthering the clean-up of the area thus increasing property values for home and business owners in the immediate area. The improvements of civic structures and beautification in the heart of downtown will elevate property values for surrounding property owners further generating increased tax revenues. The cleanup of brownfields for compliments other redevelopment initiatives in downtown to make the area a more attractive place to live, visit and do business ultimately attracting additional capital and business investment.
3. The plan is use cleanup funds to cleanup and redevelop blighted and underutilized properties in the City of Attleboro with focus on downtown that complements other initiatives that the ARA is focusing on including housing and green space redevelopment.
4. The ARA plans on reusing existing infrastructure in the downtown as it is already installed, however there may be upgrades or replacement that may be required due to the age of the system that may date back to the late 1800's. However, no new roads, or extension of utility systems are envisioned as there is a focus to on site in the downtown. On the other hand there will be improvements to the pedestrian transportation network that may incorporate new bike / walking trails or extension of the river walk.
5. To prevent future brownfields the ARA has created a program that meets with and identifies properties that are not in compliance with existing codes and regulations as well as struggling enterprises that are marginal at best and do not have the expertise or funds to invest in understanding their potential brownfields issues. In those cases the ARA is proactive in providing that expertise free of charge and assisting in partnering both with expertise and funding to not let the site turn into an abandoned brownfield. This includes tracking down abandon sites or site under tax title and working with land owners to remediate their sites.
6. As previously stated the ARA strongly supports the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) rating system. In addition a

significant portion of the downtown now or soon will be incorporated in an Urban Renewal Plan that by definition in the plan requires certification in LEED.

D. Creation and/or Preservation of Greenspace /Open Space or Nonprofit Purpose

The funding of the cleanup will contribute to the City-wide efforts to create green space/open space for the targeted neighborhoods. The remediation of blighted properties brings the community forward into a cleaner and brighter future for residents. The ARA will facilitate the preservation of open space and recreational property by only awarding subgrants to applicants that redevelopment Brownfield sites and as a result must include greenspace and open space in the their plans. This will encourage residents and employees to walk and be active. The development of green space or open space may depend developing pocket parks or open space that is recreationally landscaped, whether for lunch breaks or for playing fields. There is significant potential to create green space in the downtown community in relation with the redevelopment of these brownfields. The City and ARA are will be creating an outdoor open space from one of the surrounding parking lots as part of the downtown redevelopment sites along the Ten Mile River.

Again, there is a great potential for re-landscaped open spaces to be used for recreational purposes. The location of the site is also with walking distance of the Attleboro commuter rail station and therefore would promote walking to the station, work and into the downtown for shopping and dining experiences which would encourage those who live outside the community to commute and therefore conserve fuel consumption and reduce gridlock on the roads and highways. As such the City of Attleboro is committed to projects that will reduce blight and improve greenspace and open space for its citizens.

E. Community Involvement

1. In addition to discussing this topic at monthly open public meetings with the ARA and televised pubic meeting with the City Council the ARA placed a notice in the local major media (The Sun Chronicle Newspaper) notifying the community of the ARA's intent to apply for funding under the EPA Brownfield Cleanup Grant programs as well as posting the public notice as required on Massachusetts General Laws for open public meetings. Specifically, the notice indicated that the ARA is submitting a community wide application to EPA and that the full version of the application was available for public review on December 6, 2005 with a one week comment period; and that a public comment period meeting was held on December 9, 2005 by the ARA. The ARA has requested and received input on this project from area neighbors and business owners at every step of the process. In this proposal the residential neighbors as well as neighboring business are important and their input is greatly appreciated and actively solicited. The process is to remain open to the public at all times. We have conducted public hearings with both the City Council and the ARA including public notice. In addition to hearings and informational meetings, the city plans to create question and answer flyers and distribute them to the citizens who reside and work nearby to the facility. One of the highest priorities is the nearby hospital that we plan to give our full attention to in order to assure they are in accord with our efforts. However, this site and its proximity to the city hospital hold a special benefit to the clean up. The Sturdy Memorial Hospital is less than 1000 feet away and the ARA feel it is necessary to clean-up the site to ensure the purest environment to surround the Hospital facility. Therefore

remediation at this site not only improves the quality of ground, air and environment for those who work on the site, it also helps ensure a clean, safe and environmentally acceptable setting for the Hospital. Mailings and meetings will coincide with the submittal of this proposal as well as with each step of the process as we move forward. The idea is to involve the community as much as possible in a transparent manor, as the potential for the re-use of this site will most certainly better our community and the lives of those involved. The ARA will prepare and implement a Community Relations Plan (CRP) with the assistance and cooperation of the borrower to interview residents and community leaders, local officials and public interest groups, disseminate information on the proposed project throughout the targeted downtown, establish a local information repository at the site or at the library that includes public information supplied by both the ARA and the borrower related to the proposed response action. In addition the Borrower will follow appropriate protocol in analyzing and evaluating brownfields cleanup alternatives and making this information available for review and public comment. All appropriate comments from the community will be incorporated into a final analysis. A Quality Assurance Project Plan (QAPP) will also be prepared setting forth the manner and method of collecting samples to assure the complete removal of all hazardous substances which will be submitted to EPA as review by staff at the ARA. We will require that consultants and contractors prepare a site-specific Quality Assurance Project Plan (QAPP) in accordance with EPA's guidelines for such reports as well as any similar reports that may be required including health and safety plans and project schedules. This offers a plan and track record that can be assessed and utilized as a map and means to measure progress as well as posting on the City and ARA's web site.

2. There have been recent meetings with the Massachusetts Department of Environmental Protection, particularly with our regional Brownfields representatives. The goal is to work with them hand-in-hand to ensure the project is executed in a manner to not only clean-up the existing site but also to make sure the means are in place to protect the environment in and around the property for years to come. Already we have held at least three meetings where not only the regional DEP Brownfields director was on hand, but also the Commonwealth of Massachusetts' Brownfields District Attorney from the Attorney Generals office. The goal is to work together to make certain the job is done efficiently, effectively and completely now to rebuild the integrity of the site and promote economic and environmentally friendly growth.
3. The process has been and will continue to be communicated to the citizens of Attleboro and the neighboring cities and towns through print media. The project and each step throughout will be shared in public forums such as town meetings and public hearings. In addition, we have produced up to date fliers and collateral materials to distribute to the members of the community, especially those in the near vicinity to the site. The City of Attleboro employs Multilanguage capable individuals. Should there be a need to break a language barrier, the need will be met.
4. Community Based Groups: Community based group that is involved with this project is the City of Attleboro Comprehensive Plan Steering Committee which includes over 100 citizens that is developing the City's updated Comprehensive Plan. The contact person is Robert Duffin, Committee Vice-Chair 508-261-2508. This committee is responsible for developing a comprehensive plan for the future growth in the City of Attleboro. This plan is a 10 year priority plan for the City as a whole similar to a Master Plan. In addition

to the community advocacy groups and neighborhood reach-out, we have enjoyed a great working relationship with the Greater Attleboro Chamber of Commerce (Roy Nascimento – 508-222-0801), the Downtown Attleboro Associates, Friends for Attleboro Interested in Revitalization (Don Smyth – 508-828-5448), and the regional planning organization (SRPEDD – Steve Smith 508-824-1367) support and remain involved in this process through every step. The constituents of the surrounding community, and region-at-large, have been well informed and represented throughout this project. Additional contact information is available for each and everyone of these organizations from the ARA and we encourage you to contact them.

F. Reduction of Threats to human Health and the Environment

ARA is committed to an open and transparent process following all existing compliance guidelines in the clean-up of this site. It is in the city's best interest to see to it that this site is fully compliant to be protective of human health as we wish to re-use the site as a vibrant source of employment and tax revenue for downtown Attleboro. We will only use professionals at every level of the project who have documented track records of remediation work that have met full compliance with federal regulations. Our top priority is the neighborhood immediately adjacent to the downtown sites and the Sturdy Memorial Hospital which is nearby. However, this downtown site and its proximity to the city hospital hold a special benefit to the clean up. The Sturdy Memorial Hospital is less than 1000 feet away and the ARA feels it is necessary to clean-up the site to ensure the purest environment to surround the Hospital facility. Therefore remediation at this site not only improves the quality of ground, air and environment for those who work on the site, it also helps ensure a clean, safe and environmentally acceptable setting for the Hospital.

1. At the targeted site in the downtown these funds will be used for the direct clean-up effort of vinyl chloride, a known human carcinogen. The removal of such a substance is beneficial to the health of all those that come in contact with the site. Initial testing at some sites show concentrations in excess of 700 parts per billion of vinyl chloride whereas the allowed concentration is 2 parts per billion. Soils containing concentrations of petroleum hydrocarbons, PHAs, and lead that exceed standards have the potential to impact groundwater that discharges into the Ten Mile River. Contaminated surface soils will be removed or rendered/capped inaccessible improving the overall environmental conditions. The unhealthy conditions in water and potentially air, when removed, will decrease the possibility of lead exposure, and cancer in downtown that currently experiences higher disease rates than neighboring communities. Through a partnerships with EPA, Mass DEP, and the City of Attleboro a higher quality of life can be achieved for some of the poorest residents in the Commonwealth of Massachusetts and the City of Attleboro.
2. Following meetings with the Massachusetts Department of Environmental Protection, particularly with our regional Brownfields representatives our goal is to work with them hand-in-hand to ensure the projects is executed in a manner to not only clean-up the existing site but also to make sure the means are in place to protect the environment in and around the property for years to come. Already we have held several meetings where not only the regional DEP Brownfields director was on hand, but also the Commonwealth of Massachusetts' Brownfields District Attorney from the Attorney Generals office. The goal is to work together to make certain the job is done efficiently, effectively and

completely now to rebuild the integrity of the site and promote economic and environmentally friendly growth.

3. As previously stated we work hand in hand with the Massachusetts Department of Environmental Protection. The City of Attleboro and the ARA have been in constant contact with local, state and federal officials to ensure cooperation and collaboration since the inception of this project. We are actively seeking the counsel of DEP, MassDevelopment and the EPA to ensure the safety, integrity and protection of the neighborhood. Again, with Sturdy Memorial Hospital in such close proximity to this sight, human health concerns are always at the forefront of this project. That is why we wish to remediate this site, but the wonderful plus to this project is the fact that the facility will be put back into full re-use and bring a vibrant company and workforce to an area that has been depressed for over a decade. It is the health of these new tenants of the building that we concern ourselves with as well. Controls will be put in place to ensure that all business conducted from this day forward on that site fully comply and adhere to the strictest EPA and environmental guidelines set forth regionally and nationally to keep this site safe and clean for generations to come

G. Leveraging of Additional Resources

1. The Executive Director will be contributing 15% of their time the CFO will be contributing 10% of their time of their time for a total of 25% of a full time equivalent or one full time person for the brownfield projects. This will included marketing the program, grant management of the program, and oversight of the environmental responsibilities of the program to carry out all necessary elements. The allocated staff commitment clearly identifies the ARA's level of effort and importance to this program. A portion of the administrative funding will come out of this program but the majority will be out of other programs.
2. Currently we have many agencies committed to this program and several brownfields redevelopment programs in the City of Attleboro. This includes on the City side over half a million dollars in commitment for brownfields development from a Tax Increment Financing (TIF), additional funding from a District Improvement Financing Plan (DIF), as well as over \$800,000 from the ARA. On the state side there is a commitment of \$75,000 from Mass DEP, \$350,000 from Mass BRAC program, and \$500,000 from MassDevelopment. On the federal side from HUD there is \$270,000 in a EDI grant, \$1,900,000 allocated in a BEDI grant, \$2,850,000 in Section 108 loan, and a couple hundred thousand in block grant funds, plus an earlier commitment of \$200,000 from EPA. In addition the private sector has committed several million dollars to redeveloping several brownfields sites.
3. As previously stated and restated here we have committed funds from the City side of over half a million dollars for brownfields development, as well as over \$800,000 from the ARA directly. On the state side there is a commitment of \$75,000 from Mass DEP, \$350,000 from Mass BRAC program, and \$500,000 from MassDevelopment. In addition, on the federal side from HUD there is \$270,000 in a EDI grant, \$1,900,000 allocated in a BEDI grant, \$2,850,000 in Section 108 loan, and a several hundred thousand in block grant funds, and an earlier commitment of \$200,000 from EPA. In addition the private sector has committed several million dollars to redeveloping several brownfields sites.

H. Programmatic Capability

1. The ARA is a full service public development organization with all necessary safeguards in place that is staffed by the Executive Director and Chief Financial Officer among others who are professionally and academically trained and experienced Brownfields and economic development professionals capable of performing the administration and implementation of this program. The Executive Director is also certified by the International Economic Development Council as a Certified Economic Developer CECD. In addition the Executive Director was a featured speaker at this years Brownfields 2005 conference in Denver. Also, for this project a member of the Redevelopment Authority Board of Directors who is also vice-president of a local bank has agreed to lend the professional services of that lending institution to set up and oversee the loan fund in accordance with all prudent lending practices. The ARA will be contracting the technical environmental components for these projects where necessary.

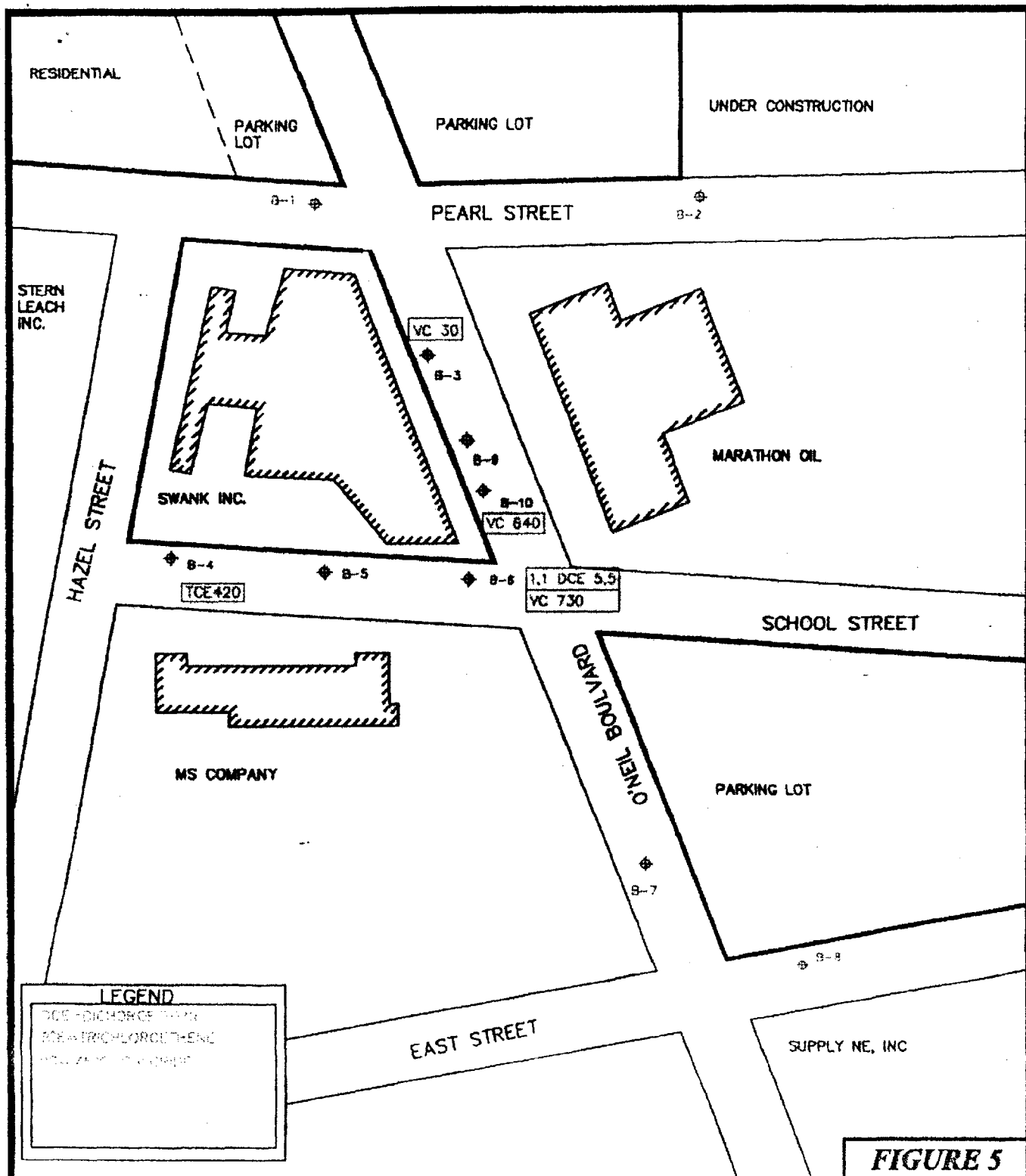
The ARA has extensive experience in Brownfields Redevelopment including complying will all state and federal laws to ensure that the cleanup protects human health and the environment. In addition to the ARA staff, environmental consultants and license site professionals hired by the ARA under a competitive procurement provisions of 40 CFR 31.36, the City of Attleboro has a full-time environmental planner who has the technical expertise and training to monitor all assessment and clean-up projects. Finally, the State Department of Environmental Protection and the ARA have developed a partnership and will be working together on all recipient projects. Therefore depending on the recipient and the details of the site under remediation, the ARA will prepare the appropriate oversight based on the site specific issues from the ARA's broad team of professionals and consultants. Finally the ARA will require loan and subgrant recipients to enroll in a state response program.

The ARA has a long history of undertaking (re)development projects and administering MGL Ch. 121B on behalf of the City of Attleboro. The ARA has extensive experience in the management and development of real estate and was the City's lead agency in the redevelopment of several parcels of land located in the downtown. The two recent Brownfields site successes in downtown that we believe demonstrates not only our resolve to assault them, confront them with confidence, and succeed but also demonstrates our ability to effectively manage and re-mediate them. Examples include:

- ✓ The Bates Building and Klink Building, both former turn-of-the-century manufacturing plants located in the downtown, were designated as Brownfields sites. The site was one-acre in size and both buildings contained approximately 20,000 square feet of floor area. Attleboro secured a \$500,000 Abandoned Buildings Grant, which was used to acquire the site, raze the building, and clean-up the site. As a result of a successful developer-selection process, the ARA transformed an unproductive eyesore in the heart of the downtown into a four-story, tax generating, 82-unit assisted living facility.
- ✓ The ARA successfully negotiated the purchase of the Balfour Company manufacturing facility located on County Street. The Balfour Company was a 175,000 square foot jewelry manufacturing plant located in the heart of downtown Attleboro. It was in business between 1900 and 1988 and the building laid dormant

since then. The city received \$840,000.00 in financial assistance to help finance the purchase of the building/site, clean-up, and eventual construction of the Balfour Riverwalk Park. The 3.2-acre verdant green is now the recreational centerpiece of the City's ongoing downtown revitalization efforts.

- ✓ The ARA is the City's lead agency in the redevelopment of a 4± acre parcel of land also located in the downtown. The "Union Street Redevelopment Project" is an urban renewal plan and will include, among other things, land acquisition, building/structural assessment, demolition, MGL 21-E site assessment and clean-up, relocation, retail/office/residential development as well as the construction of a federally funded 700-vehicle mass transit intermodal facility.
- 2. In addition the ARA staff including the CFO is knowledgeable and proficient with all OMB and GOA requirements. The ARA has received and manages several federal grants that exceed more than fifteen million dollars from federal agencies that include FTA, FHW, HUD, EPA, and EDA. Also the ARA has never been classified as High Risk or had any adverse audit findings under OMB Circular A-102.
- 3. We have recently executed a revised cooperative agreement BF-97119301-1 that was awarded in 11-18-05 with EPA for a brownfields assessment grant. Our 1st quarter report is due December 30, 2005.
- 4. ARA executed a \$200,000 a revised cooperative agreement BF-97119301-1 that was awarded in 11-18-05 with EPA for a brownfields assessment grant however this funds will be expended by May of 2006.
- 5. The greatest accomplishment to date has been the ability to select and move forward with a project that has gained support from local, state and federal entities and agencies as well as have a strong private partnership. The acceptance and willingness to work together enables the ARA to implement major Brownfield revitalization creating hundreds of jobs in downtown Attleboro with full community and political support. This is extremely to revitalizing our depressed downtown areas as we all speak with one voice.



SAGE Environmental, Inc.

SAGE Job #: 81784
SAGE Drawing #: FIGURE 5

Customer Job #:

Original Drawing Date:	12/26/93	FROM
Revision Date/Initials:		



GROUNDWATER RCGW-2 EXCEEDANCES
HAZEL STREET
ATTLEBORO, MA

CONCENTRATIONS IN UG/L (PPB)

NOT TO SCALE

400 Public Notices

WANTED: All junk cars, trucks.
Fixer More \$ paid for Toyotas.
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EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

STEPHEN R. PRITCHARD
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

December 12, 2005

Ms. Carol Tucker
Regional Brownfields Coordinator
U.S. EPA- New England (Mail Code: HIO)
One Congress Street, Suite 110
Boston, MA 02114-2023

RE: **STATE LETTER OF ACKNOWLEDGEMENT**
City of Attleboro: Brownfields Assessment, Cleanup, and Revolving Loan Funds

Dear Ms. Tucker:

I am writing to support the proposal submitted by the Attleboro Redevelopment Authority (ARA) for funding under the EPA Brownfields Assessment, Cleanup, and Cleanup Revolving Loan Fund Programs. Massachusetts is well positioned to support the efforts of the ARA to undertake assessment and cleanup activities at various sites throughout the City, including the former Swank manufacturing facility.

As you know, the Commonwealth of Massachusetts has taken a number of steps over the last decade to encourage the redevelopment of contaminated properties. In 1993, we privatized our waste site cleanup program, greatly accelerating the rate of cleanups across the state. In 1998 we created the Brownfields Act to offer financial incentives and liability protection designed to promote the cleanup and redevelopment of underutilized parcels. We continue to look for ways to help facilitate the cleanup of brownfields and other contaminated sites, including through proposed changes to the state's cleanup regulations, the Massachusetts Contingency Plan (MCP).

MassDEP has partnered with state and federal agencies, providing technical support for brownfields projects. MassDEP's Southeast Regional Office has worked closely with municipal and regional officials over the years in their efforts to revitalize priority sites throughout the region. If this proposal is selected, we will help make it successful by working with our brownfields partners to assist parties in taking full advantage of these tools to ensure our shared goals are met. We applaud your continued funding of these efforts, and look forward to our continued partnership on this important issue.

Sincerely,

Millie Garcia-Surette, MPH
Deputy Regional Director
MassDEP Southeast Regional Office

MGS/lm

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

Attachment Q

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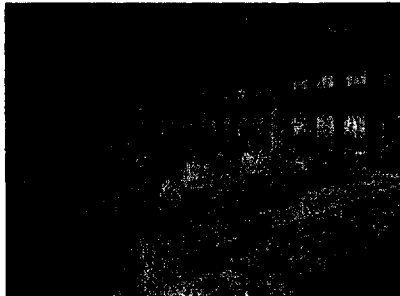
Shyana
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SWANK

About Swank

Innovation, loyalty and perseverance have been hallmarks of the Swank tradition for over 100 years. We are one of the largest manufacturers and distributors of men's accessories in the world. Our men's jewelry, as well as men's belts and small leather goods carry many designer names such as Geoffrey Beene, Alexander Julian, Claiborne, Kenneth Cole, Pierre Cardin, Guess. We also produce several private label collections for stores such as Saks Inc, Federated Stores, the May Company. Of course, we also produce the Swank line of men's products.



The Life Magazine Parade

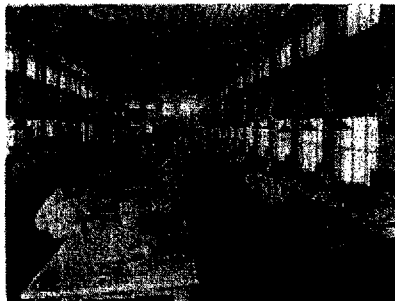


The Factory

Attleboro building, which is still part of the company's manufacturing plant today.

It all started in 1897 in an Attleboro, Massachusetts factory when a group of people were given the opportunity to manufacture women's jewelry in another company's factory after it closed each night. When the factory burned down in 1898, the dedicated workers salvaged some machinery, went back to work, and began shipping orders a few days later. By 1902 business was flourishing and Swank was able to purchase another

A few years later Swank began to produce men's jewelry. The success of this new business eventually led Swank to leave the women's jewelry business, and fully dedicate itself to the manufacture of collar buttons, collar pins and holders, tie clips, dress sets and other men's jewelry items. This new venture certainly paid-off and marked the beginning of Swank's domination of the men's jewelry industry. In 1918 the Company designed and developed its first major product, the "Kum-A-Part" cuff button. The enormous success of this item sparked the progress and growth that was soon to follow. During World War I the Company was called upon to manufacture many of the metal emblems used by the United States military, including the identification tag worn by all soldiers which we all now know to be the "Dog Tag".



The Enamel Department



The Foot Press Department

During World War II the company was once again called upon to help the war effort. Swank devoted most of its production to small parts for military machinery, as well as the Bronze Stars and Purple Hearts awarded to American servicemen for their heroism in action. Swank flourished in the years that followed and expanded its product offering to include men's fragrances in 1965. While the fragrance division was a

great success and led to innovations in the industry with the introductions of Jade East and Royal Copenhagen, it was decided that the company should return to its roots and concentrate on accessories. Swank reintroduced a women's jewelry line in 1974, and began production in the same factory where they first produced women's jewelry 72 years earlier.

Today Swank products can be found in every fine department, specialty and mass market store in the United States, and in many countries throughout the world. While each of our collections is unique, they all reflect the same dedication to the high standards of quality, workmanship and design that have made us successful for over a century.

Attachment R



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

BY OVERNIGHT MAIL
FOR SETTLEMENT PURPOSES ONLY

October 3, 2006

Lee Henig-Elona, Esq.
Troutman Sanders LLP
The Chrysler Building
405 Lexington Avenue
New York, NY 10174

Re: Shpack Landfill Superfund Site

Dear Ms. Henig-Elona:

Thank you for your September 21, 2006 letter and settlement offer requesting a *de micromis* settlement for Swank, Inc. ("Swank") at the Shpack Landfill Superfund Site in Norton and Attleboro, MA (the "Site"). We have evaluated your request to determine whether Swank would qualify as either a *de micromis* or *de minimis* party.

Section 107(o) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), provides a qualified statutory exemption from liability for response costs for *de micromis* parties where the total amount of materials containing hazardous substances contributed by the party to a site was less than 110 gallons of liquid materials or less than 200 pounds of solid materials. Section 122(g)(1)(A) of CERCLA provides discretionary authority to enter into settlements with certain *de minimis* contributors of hazardous substances to a Superfund site. To qualify for a *de minimis* settlement under Section 122(g)(1)(A), the settling party's contribution of hazardous substances must be minimal in its amount and toxicity in comparison to other hazardous substances at a site. See generally EPA's "Revised Settlement Policy and Contribution Waiver Language Regarding Exempt *De Micromis* and Non-Exempt *De Micromis* Parties," November 6, 2002 and EPA's "Streamlined Approach for Settlements With *De Minimis* Waste Contributors Under CERCLA Section 122(g)(1)(A)," July 30, 1993.

EPA has reviewed your submissions as well as other evidence, and has concluded that Swank does not qualify as a *de micromis* or *de minimis* party at the Shpack Site. Our reasons for this determination are explained below.

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1. Swank Sent Waste to the Dumont Parcel and the Shpack Parcel Over a Period of Many Years.

Based on information provided by several witnesses, Swank sent waste to both the Dumont Parcel and Shpack Parcel¹ over a long period of time. EPA's evidence includes the following:

a. Albert Dumont, former owner/operator of Dumont Parcel

Albert Dumont, the owner/operator of the Dumont Parcel, testified that Swank sent waste to the Dumont Parcel and the Shpack Parcel from about 1946 through 1965. See generally Deposition of Albert Dumont under Rule 27 of the F.R.C.P. ("Dumont Depo. under Rule 27"), January 31, 2006, at 23-24 & 47-49. See also Administrative Deposition of Albert Dumont, May 19, 2004, at 32 & 42; Albert Dumont's response to EPA's Request for Information, dated October 29, 2003, response to Request 5.n. Mr. Dumont testified that Swank brought at least one truckload of waste per day to the Shpack Parcel and one truckload of waste per day to the Dumont Parcel. Dumont Depo. under Rule 27, January 31, 2006, at 48 & 50. He remembered that the driver of the Swank truck that brought waste to the Dumont Parcel was named "Larry" and that Larry has since died. Id., at 50.

b. David J. Brask, d/b/a Goditt & Boyer, former operator and transporter to Dumont Parcel

David J. Brask, a former operator of the Dumont Parcel and transporter of wastes to the Dumont Parcel, indicated in his response to EPA's request for information letter, dated March 20, 2006, that he saw Swank's trucks unloading at the Shpack Parcel in 1964 and 1965. See David J. Brask's Response to EPA's Request for Information, dated March 20, 2006, response to Questions 5.c. and 5.d.

c. Witness L

As a youth, Witness L would ride with his father to the Dumont Parcel in and around 1955, when Witness L was approximately 10 years old. Witness L remembered "two guys" that later formed Goditt & Boyer bringing waste to the Dumont Parcel during this time period. He recalled that Swank used the Dumont Parcel and he also recalled that Swank used its own trucks to bring

¹ The term "Dumont Parcel" refers to approximately 3.4 acres of the Site which is located in Attleboro, on land formerly owned by Albert Dumont and currently owned by Attleboro Landfill, Inc. The term "Shpack Parcel" refers to approximately 6 acres of the Site which is located in Norton, on land formerly owned by Lea Shpack and Isadore Shpack and currently owned by the Town of Norton.

waste to the Dumont Parcel. Witness L remembered seeing the name "Swank" on the side of the trucks that were disposing waste at the Dumont Parcel. He said that he saw the name often enough to remember the name of the company after all of these years.

d. Witness EE

Witness EE worked for Attleboro Refining Company ("ARC") for about 1.5 years in 1961 and 1962. On Saturdays, he would drive ARC's waste to the Dumont Parcel. Other companies' trucks that Witness EE saw at the Dumont Parcel during this time period included Swank.

e. Witness FF

Witness FF is a former employee of the Balfour Company. Witness FF worked for Balfour as a driver and maintenance man for 35 years starting in 1964. He hauled waste to the burning dump and later to the larger Dumont dump area. Over the years, he recalled seeing Swank and others dumping at Dumont's dump. He could not say with certainty that these companies dumped at Dumont before 1966, but said it was "likely." "Everyone went to Dumont," he noted.

f. Witness T

Witness T worked for Goditt & Boyer driving "roll-offs" trucks from 1964 until 1978, and worked for another trucking company from 1978 until 1988. During the early years, he dumped at the Attleboro Landfill. Witness T remembered picking up "wooden pallets" from Swank and other companies.

g. Witness E

Witness E worked for Balfour for 40 years. He saw Swank company trucks and other companies on a daily basis going to the Attleboro Landfill or at the Attleboro Landfill.

h. Proximity of Swank facility to the Site

Evidence provided by witnesses that Swank used the Site for many years is consistent with the fact that the Swank facility was located a 6 Hazel Street in Attleboro, only about 2.5 miles from the Site.

Based on all of the above, Swank used both the Dumont Parcel and the Shpack Parcel for the disposal of waste on a regular basis during the period 1946 through 1965.

2. Swank Sent Hazardous Substances to the Site.

Evidence establishing that the wastes that Swank sent to the Site contained hazardous substances includes the following:

Swank manufactured costume jewelry at its Attleboro facility during the period 1946 through 1975. The nature of its operations at the Attleboro facility generally did not change over time. Swank's response to EPA's Request for Information, dated August 26, 2005, response to Questions 3.a. and 3.b.

In Swank's response to EPA's information request letter, dated August 26, 2005, Swank indicates that it used the following raw materials in its manufacturing process: brass, tin, silicone rubber molds, gold, nickel, copper, rhodium, plating solutions, lubricating oil or grease, degreasers, polishing cloths, semi-precious stones, and small amounts of glue and glue remover for setting stones. Id., Response to Question 3.e.

Swank also identifies the following wastes generated at its Attleboro facility during the period 1946 through 1965: plating solutions; distillation byproducts (still bottoms) containing 48% trichloroethylene ("TCE") and/or perchloroethylene ("PCE"); cutting, lubrication and hydraulic oils; cleaning fluids composed of TCE, PCE, and mineral spirits; metal hydroxide filters and spent electroplating filters; scrap metals; laquer thinners and/or mineral spirits; and plating solutions. Id., at Waste Survey.²

According to Swank, during the period 1946 to 1965, Swank's solvents would either be recycled on-site in a distillation process, be sent to a solvent recovery facility (Re-Solve, Inc., Recycling Industries and Northeast Solvents), or would be sent for off-site disposal at an unknown hazardous waste facility. Plating wastes were recycled on-site. Once plating solutions became spent or contaminated, they would be sold to a metal refiner (Glines & Rhodes in Attleboro) to recover the gold, nickel, copper or rhodium. Id., Response to Question 6.b.

Swank also listed the disposal location for oils, cleaning liquids, spent filters, and thinners, as "unknown" and that scrap metal was sent to a "scrap dealer." Id., at Waste Survey.

² EPA has also reviewed its files for Swank concerning the Re-Solve, Western Sand & Gravel, and Union Chemical National Priorities List sites, and found evidence that Swank sent wastes containing ethyl acetate to the Re-Solve site in the years 1972 - 1980; Swank sent plating sludge to the Western Sand & Gravel site (using Franklin Pumping as its transporter) in 1977 and 1978; and Swank sent drums containing ethanol, ethyl acetate and laquer thinner to the Union Chemical site from 1981 to 1984.

Swank acknowledges that for three to six months during 1955 it sent general refuse to the Shpack Parcel or the Dumont Parcel consisting of six cubic yards of general trash, five days per week. Swank's trash included one gallon of "still bottom" sludge (containing a mixture of TCE and/or PCE and oil and/or polishing compound solids) per week for an estimated twenty week period. Id., Response to Questions 2.b. and 2.c., referencing Swank's November 30, 1990 amended response to EPA's Request for Information of January 12, 1990 & Waste Survey.

All trash was removed from the Swank facility by a company owned truck. Id., Response to Question 6.e. One of Swank's former maintenance workers was named "Larry." Swank's November 30, 1990 amended response to EPA's Request for Information of January 12, 1990, response to Question 2.

In addition to Swank's acknowledgment that it sent still bottoms to the Shpack Parcel for a three to six month period in 1955, Albert Dumont remembered that Swank's trucks were sometimes loaded with black polishing dust. Dumont testified that, in the time frame prior to 1965, "[m]ostly the bigger companies like Swank's would come with just their own truck loaded with dust." Dumont Depo. under Rule 27, February 1, 2006, at 83. He also testified that when Swank "brought [the black] polishing dust, that's the only thing they had on the truck" and he estimated that the amount of polishing dust held in each Swank truckload of dust was "four or five cubic yards." Id. at 84-85. See also Dumont Depo. under Rule 27, February 10, 2006, at 20 & January 31, 2006, at 23 (Swank brought "[m]ostly polish and dust.").³

Based on all of the above, Swank sent hazardous substances to the Dumont Parcel and the Shpack Parcel prior to 1966.

3. Swank Has Not Shown that It is Entitled to *De Micromis* or *De Minimis* Treatment.

In determining the volume of waste that should be attributed to Swank for purposes of settlement at the Shpack Site, any estimate of Swank's volume should consider all of Swank's "waste-in" to the Dumont Parcel and the Shpack Parcel. See EPA's "Final Guidance on Preparing Waste-in Lists and Volumetric Rankings for Release to Potentially Responsible Parties (PRPs) Under CERCLA ("Waste-In" Guidance)," February 22, 1991, at 15-16 ("... unless PRPs can demonstrate otherwise, Regions generally should include trash from commercial, institutional and industrial entities in waste-in calculations." Id., at 15 [Emphasis in original]).

³ The City of Attleboro Redevelopment Authority's Cleanup Grant Application, dated December 14, 2005, concerning the Swank facility on Hazel Street in Attleboro, indicates that dust collectors were installed at the Swank facility in 1947.

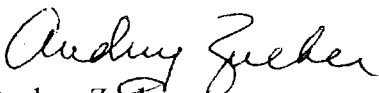
Moreover, where industrial trash was sent to a dump site prior to the enactment of the Resource Conservation and Recovery Act ("RCRA") in 1976, as it was at this Site, the Agency's assumption that all industrial trash should be counted as "waste-in" is particularly appropriate and defensible. *Id.*, at 6 (EPA assumptions regarding waste-in information "should be defensible.")

Given the weight of the evidence that Swank used both the Shpack Parcel and the Dumont Parcel for waste disposal for many years prior to the enactment of RCRA, coupled with Swank's acknowledgment that it sent hazardous substances to the Site and Dumont's testimony that Swank sent truckloads of black polishing dust to the Site, EPA is unable to make a finding in support of Swank's *de micromis* or *de minimis* eligibility.

* * *

For all of the reasons provided above, it does not appear that Swank is eligible for a *de micromis* or *de minimis* treatment at the Shpack Superfund Site. By this letter, EPA encourages Swank's good faith participation in upcoming settlement negotiations for this Site.

Sincerely,


Audrey Zucker
Senior Enforcement Counsel

Attachments:

Dumont Depo. under Rule 27, January 31, 2006, selected pages
Dumont Depo. under Rule 27, February 1, 2006, selected pages
Dumont Depo. under Rule 27, February 10, 2006, selected pages
Administrative Deposition of Albert Dumont, May 19, 2004
Albert Dumont's Response to EPA's Request for Information, dated October 29, 2003
David J. Brask's Response to EPA's Request for Information, dated March 20, 2006
Shpack Landfill Superfund Site Witness Summaries, compiled June 2006, summaries of
interviews with Witness A - Witness JJ
City of Attleboro Redevelopment Authority's Cleanup Grant Application, dated
December 14, 2005

cc: Melissa Taylor, RPM (without attachments)
Deanna Chang, DOJ (without attachments)